

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION
(Pre-publication of Notice Statement)

Amend Sections 165 and 632
Title 14, California Code of Regulations
Re: Marine Protected Areas

I. Date of Initial Statement of Reasons: January 15, 2007

II. Dates and Locations of Scheduled Hearings

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| (a) | Notice Hearing: | Date: August 15, 2006
Location: Monterey, California |
| (b) | Discussion Hearings: | Date: February 2, 2007
Location: Monterey, California

Date: March 2, 2007
Location: Arcata, California |
| (c) | Adoption Hearing: | Date: April 13, 2007
Location: Bodega Bay, California |

III. Description of Regulatory Action:

- (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

This Initial Statement of Reasons represents a significant revision to an Initial Statement of Reasons dated October 17, 2006 (Office of Administrative Law Notice File Number Z06-1031-05). Revisions to the October 17 Initial Statement of Reasons were based on public testimony and further review by the California Department of Fish and Game (Department) and the California Fish and Game Commission (Commission). These revisions resulted in the retraction of the original notice and production of this Initial Statement of Reasons.

The proposed regulation is intended to meet the goals described in the Marine Life Protection Act (MLPA, Stats. 1999, ch. 1015). These goals address an overall concept of ecosystem-based management and the intent to improve upon California's existing array of marine protected areas (MPAs). The MLPA specifically requires that the Department of Fish and Game (Department) prepare a master plan and the Fish and Game

Commission (Commission) adopt regulations based on the plan that achieve the MLPA goals. These goals are:

- To protect the natural diversity and abundance of marine life, and the structure, function, and integrity of marine ecosystems.
- To help sustain, conserve, and protect marine life populations, including those of economic value, and rebuild those that are depleted.
- To improve recreational, educational, and study opportunities provided by marine ecosystems that are subject to minimal human disturbance, and to manage these uses in a manner consistent with protecting biodiversity.
- To protect marine natural heritage, including protection of representative and unique marine life habitats in California waters for their intrinsic value.
- To ensure that California's MPAs have clearly defined objectives, effective management measures, and adequate enforcement, and are based on sound scientific guidelines.
- To ensure that the State's MPAs are designed and managed, to the extent possible, as a network.

(1) Ecosystem Based Resource Management Concept.

As indicated above, language in the MLPA supports the concept of ecosystem-based resource management. Additionally, the Marine Life Management Act (MLMA, Stats. 1998, ch. 1052) created a broad programmatic framework for managing fisheries through a variety of conservation measures, including MPAs. The MLMA specifically states that long term resource health shall not be sacrificed for short term benefits and that habitat should be maintained, restored, and enhanced [Fish and Game Code subsections 7056(a) and (b)].

The MLPA requires that the Commission adopt a Marine Life Protection Program that in part contains an improved marine reserve (now state marine reserve) component [Fish and Game Code subsection 2853(c)(1)] and protects the natural diversity of marine life and the structure, function, and integrity of marine ecosystems [Fish and Game Code subsection 2853(b)(1)]. This protection may help provide sustainable resources as well as enhance functioning ecosystems that provide benefits to both consumptive and non-consumptive user groups. A growing body of scientific literature reviewing benefits to marine species inside reserves (including increases in size and number of individuals, and in diversity of species) and to a lesser degree outside reserves

(through spillover, larval transport, and protected spawning populations) also supports these concepts.

(2) The Network Concept

Important in developing the proposed regulation was the consideration that the central coast MPAs form a component of a statewide network. By definition in the MLPA, a network is applied to a biogeographical region. The Master Plan Framework for MPAs adopted by the Commission recognizes two biogeographical regions in California, with a boundary at Pt. Conception. The biological network concept calls for connectivity between MPAs through adult movements and larval transport of the species most likely to benefit from establishing MPAs. This includes marine plants, sedentary fishes and invertebrates, and species which are not highly mobile or migratory. This approach is consistent with the guidance provided in the MLPA [Fish and Game Code subsection 2853(b)(6)]. Networks may also be connected through consistency in the method of establishment, goals, objectives, and management and enforcement measures.

The proposed regulation establishes a network component of MPAs designed to include all representative central coast habitats and major oceanic conditions. Unique and critical habitats were considered separately to guarantee both representation and protection.

From an ecological perspective, the proposed regulation creates a network component of MPAs consistent with the goals of the MLPA. From an economic and social perspective, the proposed regulation attempts to minimize potential negative socio-economic impacts and optimize potential positive socio-economic impacts for all users, to the extent possible.

(3) Legislative Responses for Marine Ecosystem Management

The MLPA was enacted in response to a variety of human and environmental factors. California's population has increased from about 7 million people in the 1940's to 20 million in 1970 and more than 35 million today. Eighty percent of this population lives within 50 miles of the coast. Human population increases have led to not only higher demands on natural resources, but larger impacts through runoff, pollution, and habitat alteration.

At the same time, warm water oceanic conditions and disease have led to poor reproduction and recruitment of some marine species. This combination of increased use, poor environmental conditions, and disease has contributed to declines in some marine resources. Popular finfish species like bocaccio, canary, widow, and cowcod rockfishes are federally listed as overfished, meaning their populations are below 25 percent of their unfished levels, and are now in recovery phase. Abalone, a once important commercial and recreational species group, are now the subject of a fishery moratorium in California south of San Francisco and one species, white abalone, has become the first marine invertebrate to be listed as endangered by the Federal government. Finally, the scientific data used to manage many of these resources, while the best available at the time, have since shown to be inadequate. It is now known, for example, that some rockfish species have life spans approaching 100 years and reproduce at much lower rates than other finfish.

All of these factors were present in the late 1990's and caused California's fisheries management agencies and the State Legislature to seek new solutions for protecting and sustaining resources. The MLMA addressed fisheries management in general and supported both an ecosystem perspective and the concept of MPAs. The MLPA established a programmatic framework for designating such MPAs in the form of a statewide network. The overriding goal of these acts is to ensure the conservation, sustainable use, and restoration of California's marine resources. Unlike previous laws, which focused on individual species, the acts focus on maintaining the health of marine ecosystems and biodiversity in order to sustain resources. In addition, AB 2800 (Stats. 2000, ch. 385) enacted the Marine Managed Areas Improvement Act (MMAIA), among other things, to standardize the designation of marine managed areas (MMAs), which include MPAs.

(4) Changes in California Fisheries and Fisheries Management

Increases in California's human population have coincided with shifts in recreational and commercial fishing activity, growth in consumer demand for live fish, and innovations in fishing gear and technology. For example, between 1993 and 2001, landings and value of live finfish in California showed a twenty-fold increase, from less than 50,000 pounds with a value of \$100,000 in 1993 to more than 1 million pounds with a value of nearly \$4 million in 2001. Some of this increase in effort and catch has resulted in more

restrictive regulations within the past 5 years, particularly with respect to nearshore and shelf finfish fisheries.

Some of the major problems facing rockfish stocks, including those declared overfished, have been addressed in recent years by developing restricted access commercial fisheries and establishing extensive fishery closures through the use of the Cowcod Conservation Areas and the recreational and commercial California Rockfish Conservation Areas. The goals of these fishery management measures, however, are not a principal component of the MLPA, which focuses on the conservation of representative marine habitats, biodiversity, and ecosystems.

(5) Implementation of the Marine Life Protection Act

The Department attempted to implement the MLPA in two separate processes beginning in 2000 and 2002. In 2004 the Department entered into a partnership with a private organization and the Resources Agency; known as the MLPA Initiative, this began a process for implementing the MLPA on a regional basis. A Master Plan Framework, which provides guidance for establishing a statewide network of MPAs, was developed by the Department, the MLPA science advisory team (SAT), and MLPA Initiative staff, and was adopted by the Commission in August 2005. A blue ribbon task force (BRTF) was established by the Secretary for Resources to provide policy recommendations and oversight for the MLPA Initiative process. The BRTF selected the state waters within the central coast, from Pigeon Point (San Mateo County) to Point Conception (Santa Barbara County), as the first region in which to develop proposals for a component of a statewide network of MPAs. As required by the MLPA, the SAT was convened to provide scientific guidance in developing MPA proposals.

In June 2005 a large group of constituents representing multiple aspects of marine consumptive and nonconsumptive interests, and known as the MLPA Central Coast Regional Stakeholder Group (CCRSG), began meeting on a monthly basis to ultimately develop alternative packages of proposed MPAs for the central coast region.

Based on the six goals of the MLPA, the CCRSG developed a set of six regional goals for the central coast and a series of regional objectives and design and implementation considerations based on the regional goals (Attachment 1). For each proposed package of MPAs, objectives for each MPA were developed and linked to the regional goals and objectives. These goals and objectives were

critical guidelines used by the CCRSG and others to propose MPAs for the central coast. They also serve as a significant improvement over the fragmented and non-cohesive approach to create MPAs prior to the 1990's.

By December 2005 the CCRSG had developed three alternative packages (referred to as packages 1, 2, and 3) and submitted these to the BRTF for consideration. Three additional packages were developed outside of the CCRSG process (referred to as packages A, B, and C) and considered by the BRTF. Two of these external packages were subsequently combined (packages A and C) and the third (Package B) was rejected by the BRTF and SAT as not complying with the MLPA requirements for a network.

The BRTF directed MLPA Initiative staff to develop a preferred alternative recommendation from the package options (referred to as Package S). At the March 14-15, 2006 meeting of the BRTF, Package S was combined with the CCRSG Package 3, further refined, and the modified package (referred to as Package 3R) became the BRTF's preferred alternative. The BRTF also made revisions to CCRSG Package 2 and forwarded the revised package (referred to as Package 2R) along with its preferred package and the remaining unchanged CCRSG package (Package 1) to the Department for consideration.

The Department analyzed the packages, public comment record, BRTF and SAT advice, and the feasibility of implementing each of the packages, and developed its own preferred alternative (referred to as Package P), based on the BRTF's preferred Package 3R. In June 2006 the Department formally presented four alternative packages (packages 1, 2R, 3R, and P) to the Commission at its meeting in Mammoth Lakes, California.

In August 2006 the Commission convened two special public hearings for the central coast MLPA process, one in Sacramento and one in Monterey, in order to receive public comment on the four packages, to develop a recommended preferred alternative, and to begin the formal regulatory and CEQA review process. The Department and Commission further reviewed the preferred alternative and adjusted it after an initial public hearing in December 2006.

(6) Classifications of MPAs

The MMAIA created three new classifications of MPAs, three new classifications of other MMAs, and deleted the previously-used

classification names for use in the marine environment. By definition, MPAs and other MMAs are also applicable designations in estuarine areas. The three MPA classifications are: state marine reserve (SMR), state marine park (SMP), and state marine conservation area (SMCA).

Public Resources Code Section 36710 lists the restrictions applied in the various classifications of MMAs as:

State Marine Reserves: In a state marine reserve, it is unlawful to injure, damage, take, or possess any living, geological, or cultural marine resource, except under a permit or specific authorization from the Commission for research, restoration, or monitoring purposes.

State Marine Parks: In a state marine park, it is unlawful to injure, damage, take, or possess any living or nonliving marine resource for commercial exploitation purposes. Any human use that would compromise protection of the species of interest, natural community or habitat, or geological, cultural, or recreational features, may be restricted by the Commission as specified in subsection 632(b), Title 14, California Code of Regulations, areas and special regulations for use. The Commission may permit research, monitoring, and educational activities and certain recreational harvest in a manner consistent with protecting resource values.

State Marine Conservation Areas: In a state marine conservation area, it is unlawful to injure, damage, take, or possess any living, geological, or cultural marine resource for commercial or recreational purposes, or a combination of commercial and recreational purposes except as specified in subsection 632(b), Title 14, California Code of Regulations, areas and special regulations for use. The Commission may permit research, education, and recreational activities, and certain commercial and recreational harvest of marine resources, provided that these uses do not compromise protection of the species of interest, natural community, habitat, or geological features.

One of the three MMA classifications, the state marine recreational management area (SMRMA), is applicable to this process. This MMA classification was created specifically to allow or restrict certain types of recreation:

State Marine Recreational Management Areas: In a state marine recreational management area, it is unlawful to perform any activity that, as determined by the designating entity or managing agency, would compromise the recreational values for which the area may be designated. Recreational opportunities may be protected, enhanced, or restricted, while preserving basic resource values of the area. No other use is restricted.

The MMAIA enacted Fish and Game Code Sections 1590 and 1591, and authorized the Commission to designate, delete, or modify state marine recreational management areas established by the Commission for hunting purposes, state marine reserves, and state marine conservation areas, as delineated in Public Resources Code Section 36725(a), and to incorporate by reference the provisions of the Marine Managed Areas Improvement Act. The Park and Recreation Commission has the authority to establish state marine parks, but may not regulate take of living marine resources within these areas without the concurrence of the Fish and Game Commission on any such proposed regulations.

(7) Commission preferred alternative - Proposed Regulation

The Commission developed its preferred alternative (the proposed regulation, referred to as Commission Preferred) using Package 3R as a basis with some revisions from the Department preferred Package P. The Commission also agreed to consider Packages 1 and 2R as alternatives for consideration in the formal regulatory process (designated below as alternatives 1 and 2 respectively). The Commission requested that the Department provide options for regulatory language in certain MPAs as described in Table 1 below. The Commission's preferred alternative and each of the other alternatives include a proposed state marine recreational management area in Morro Bay. As this designation of marine managed area was not previously included in Section 632, reference to it and a definition have been added in the proposed change.

The recommended set of MPAs, along with each alternative, includes state marine parks. Because the Fish and Game Commission does not have legislated authority to establish new state marine parks, the proposed regulation designates recommended parks as state marine conservation areas but maintains the recommended restrictions on take and prohibits commercial take in these areas. A later regulatory process,

promulgated by the State Park and Recreation Commission, will change the designation of these areas to state marine parks.

Section 632 was added to Title 14 in 2003 to implement the adoption of the Channel Islands MPAs. In 2004, a subsequent regulatory process reclassified all other existing MPAs and moved their regulations into Section 632. This process implemented the requirements of the MMAIA and was intended to not change any existing regulations or restrictions. By doing this, however, certain restrictions that are not appropriate for the marine portion of existing terrestrial protected areas were carried over unintentionally. These restrictions are either unenforceable in the marine environment or otherwise confusing to the public who may access MPAs from the ocean. The proposed change, consistent with the requirements of the MLPA, removes out of date language and makes the existing regulations easier to understand.

In reviewing Section 632, Title 14, the Department also found typographical errors and inconsistencies in terminology that are corrected in the proposed regulatory change. These changes are neither substantial, nor do they change the existing restrictions. They serve to clarify the existing regulations for greater ease of enforcement and public understanding and add consistency in format to each subsection of Section 632.

In the proposed change, the term “offshore” has been consistently replaced with “seaward of mean lower low water”. Mean lower low water is the official tidal datum point used when National Oceanic and Atmospheric Association nautical chart depths are established. Where appropriate, the phrase “straight lines connecting the following points in the order listed” has been added to the boundary descriptions. The geographic coordinates for Goldfish Point are added to subsection 632(b)(99) (La Jolla State Marine Conservation Area) to be consistent with the inclusion of coordinates for other geographic points.

The proposed change adds a simple definition for the term “finfish” to Section 632. The term finfish is frequently used in the section, though was previously undefined. Existing regulations in Section 159 dealing with coastal pelagic species include a definition of “finfish”, though the section actually addresses coastal pelagic finfish. The proposed change specifies that the definition of finfish in Section 159 does not apply to avoid confusion of the two definitions.

The proposed change clarifies that all existing fishing statutes and regulations still apply in MPAs. The proposed change also clarifies that permits referred to in subsections 632(a)(1)(A), (B) and (C) are scientific collecting permits pursuant to Section 650. The proposed change refines the existing restriction on feeding of wildlife to both clarify that fish are included in the definition of wildlife and that feeding as a result of both permitted scientific collection and authorized fishing activities is allowed. The proposed change also refines the restrictions on anchoring and transit within MPAs to clarify that fishing gear must not be deployed in the water.

Scientific (Latin) names have been added where appropriate to identify species that could be easily confused. This is done only for MPAs within the central coast region and in the case of giant kelp and bull kelp for consistency. As restrictions may change in other regions when the MLPA is implemented, species names for MPA restrictions in other regions will be addressed during the regional process for those regions. An existing State Park Unit, the Point Lobos State Reserve, lies within the proposed Point Lobos State Marine Reserve. The proposed regulation clarifies that restrictions on access within the existing State Reserve will not extend into the area proposed in the expanded State Marine Reserve.

The proposed change adds restrictions on the amount of kelp that may be harvested on a monthly basis in certain MPAs. In order to adequately link this change to the existing kelp harvest regulations, changes are proposed to subsection 165(b). The change clarifies that if kelp is harvested from a marine protected area which limits the total take, records must be available on the harvest vessel for examination. The forms specified for reporting monthly kelp harvest are added to Title 14 Appendix A. The term “public weighmaster” is replaced in subsection 165(b)(1) with the term “certified or licensed weighmaster” to be consistent with current legal definitions.

Additionally, the existing restriction on kelp harvest in the vicinity of the Monterey Breakwater is clarified in subsection 165(c). The proposed change removes confusing language and reference to the “Chart House restaurant” and replaces it with a defined line of latitude. This change will allow the proposed language in Section 632 to remain consistent if future changes to Section 165 are made.

An allowance for minor incidental catch that is almost certain to occur in the course of commercial squid fishing has been added to SMCAs in subsection 632(b) which allow the take of squid but not other common bycatch species. A prohibition on anchoring

shallower than 10 fathoms is added to the proposed Big Creek State Marine Reserve to replace the previous prohibition on all boating except for transit. This less restrictive prohibition allows for some anchoring while maintaining protection for ongoing research and research equipment on the seafloor.

(8) Alternatives

A range of alternatives is provided to meet the purposes of the proposed regulation. Each alternative, with the exception of the no-change alternative, collectively meets the goals and guidelines of the MLPA to varying degrees, and attempts to adhere to the SAT guidelines in the Master Plan Framework to the extent possible.

(A) The Proposed regulation.

The proposed regulation includes a total of 29 MPAs for the central coast region (Table 1, Figure 1, and Attachment 2). Eight existing MPAs are included and have been expanded or, in the case of Pacific Grove SMCA and Carmel Bay SMCA, split into two new MPAs. Although the proposed regulation contains 19 new MPAs, five are directly adjacent to existing MPAs and can be considered expansions of the area. In these five cases, the additional expansion is with a state marine conservation area or state marine park with some allowed take. Thus, the proposed regulation includes 14 MPAs that are in areas previously not designated as MPAs.

Table 1. Proposed regulation for marine protected areas in the central coast, including proposed allowed take and Science Advisory Team (SAT) assigned level of protection. Areas arranged geographically from north to south.

MPA Name	Proposed Allowed Take	SAT level of protection ¹
Año Nuevo SMR or SMCA (see Note)	No-Take NOTE: Sub-Options are provided for allowing the commercial take of giant kelp within this MPA.	SMR
Greyhound Rock SMCA*	Recreational finfish by hook and line from shore only and recreational and commercial giant kelp (<i>Macrocystis pyrifera</i>) by hand, salmon, and squid	SMCA Low
Natural Bridges SMR*	No-Take	SMR
Elkhorn Slough SMR	No-Take	SMR
Elkhorn Slough SMCA (SMP)* ²	Recreational finfish by hook and line and clams in area adjacent to DFG wildlife area in west.	SMP low
Moro Cojo Slough SMR*	No-Take	SMR
Soquel Canyon SMCA*	Pelagic finfish ³ NOTE: Sub-Options are provided for allowing the commercial take of spot prawn within this MPA.	SMCA high

MPA Name	Proposed Allowed Take	SAT level of protection ¹
Portuguese Ledge SMCA*	Pelagic finfish ³ NOTE: Sub-Options are provided for allowing the commercial take of spot prawn within this MPA.	SMCA high
Edward F. Ricketts SMCA*	Recreational finfish by hook and line, and commercial take of kelp by hand north of 36° 36.83' North Latitude NOTE: Sub-Options are provided for the time of day and location where recreational fishing is allowed in this MPA.	SMCA low
Lovers Point SMR	No-Take	SMR
Pacific Grove Marine Gardens SMCA	Recreational finfish and commercial kelp by hand	SMCA low
Asilomar SMR	No-Take	SMR
Carmel Pinnacles SMR	No-Take	SMR
Carmel Bay SMCA	Recreational finfish and commercial kelp by hand	SMCA low
Point Lobos SMR	No-Take	SMR
Point Lobos SMCA*	Recreational and commercial salmon, albacore, and commercial spot prawn	SMCA moderate
Point Sur SMR*	No-Take	SMR
Point Sur SMCA*	Recreational and commercial salmon and albacore	SMCA high
Big Creek SMCA*	Recreational and commercial salmon, albacore, and commercial spot prawn	SMCA moderate
Big Creek SMR	No-Take	SMR
Piedras Blancas SMR*	No-Take	SMR
Piedras Blancas SMCA*	Recreational and commercial salmon and albacore	SMCA high
Cambria SMCA (SMP)* ²	All recreational take NOTE: Sub-Options are provided for the southern and northern boundaries of this MPA	SMP low
Cambria SMR* or SMCA (see Note)	No-Take NOTE: Sub-Options are provided for the northern boundary of this MPA and for allowing the take of kelp.	SMR
Morro Bay SMRMA*	No-Take in South. Recreational finfish and commercial bait fish receiving, and commercial aquaculture by permit in north. Waterfowl hunting under Commission regulations in entire area.	SMCA low/high
Morro Bay SMR*	No-Take	SMR
Point Buchon SMR*	No-Take	SMR
Point Buchon SMCA*	Recreational and commercial salmon and albacore	SMCA high
Vandenberg SMR	No-Take	SMR

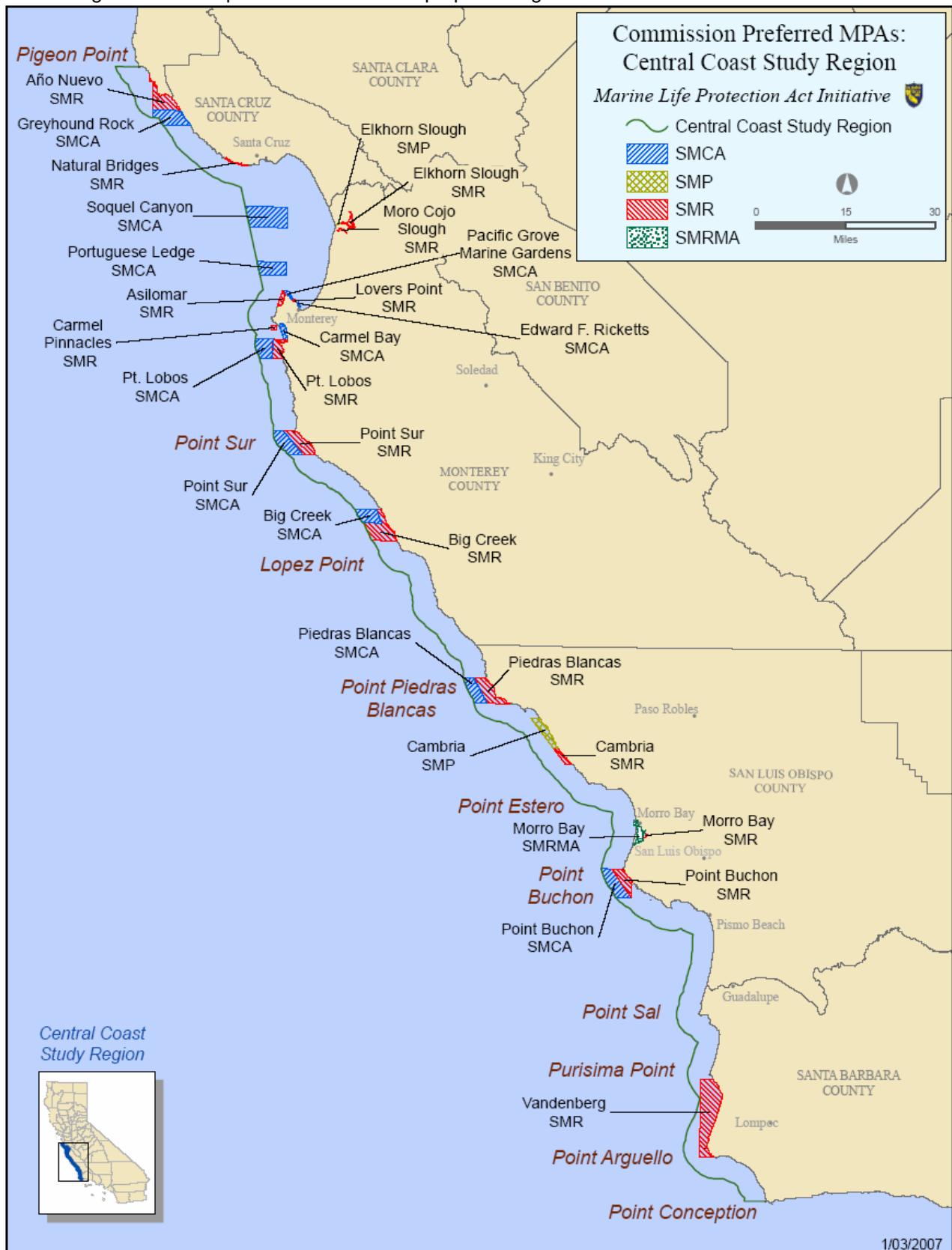
* New MPAs that are not direct expansion of an existing area.

¹ In order to analyze the differences between no-take reserves and limited take conservation areas and parks, the Science Advisory Team developed a protection level ranking described in the Master Plan.

² These areas will initially be designated as state marine conservation areas, though their regulations allow later change to state marine parks by the State Park and Recreation Commission.

³ Pelagic Finfish are defined as: northern anchovy (*Engraulis mordax*), barracudas (*Sphyraena spp.*), billfishes* (family Istiophoridae), dolphinfish (*Coryphaena hippurus*), Pacific herring (*Clupea pallasii*), jack mackerel (*Trachurus symmetricus*), Pacific mackerel (*Scomber japonicus*), salmon (*Oncorhynchus spp.*), Pacific sardine (*Sardinops sagax*), blue shark (*Prionace glauca*), salmon shark (*Lamna ditropis*), shortfin mako shark (*Isurus oxyrinchus*), thresher sharks (*Alopias spp.*), swordfish (*Xiphias gladius*), tunas (family Scombridae), and yellowtail (*Seriola lalandi*). *Marlin is not allowed for commercial take.

Figure 1. Marine protected areas in the proposed regulation.



SMCA = state marine conservation area SMP = state marine park
SMR = state marine reserve SMRMA = state marine recreational management area

The proposed regulation includes MPAs covering an area of approximately 204 square miles, representing approximately 17.7 percent of state waters within the central coast region (Attachment 3). Of this, less than half the area is within no-take state marine reserves covering approximately 99 square miles or approximately 8.6 percent of state waters within the central coast region (Figure 3). The remaining areas are primarily state marine conservation areas. Two of these SMCAs (Elkhorn Slough and Cambria) are recommended for later change to state marine parks and have restrictions on take which would allow this later designation. Many of the SMCAs allow the take of either all pelagic finfish (defined above) or salmon and albacore and were considered by the SAT to offer high ecosystem protection (Figure 4). In some state marine conservation areas take of other species such as squid, kelp, and spot prawn are also allowed. With a few exceptions, the state marine conservation areas protect benthic fishes and invertebrates most likely to benefit from area protection.

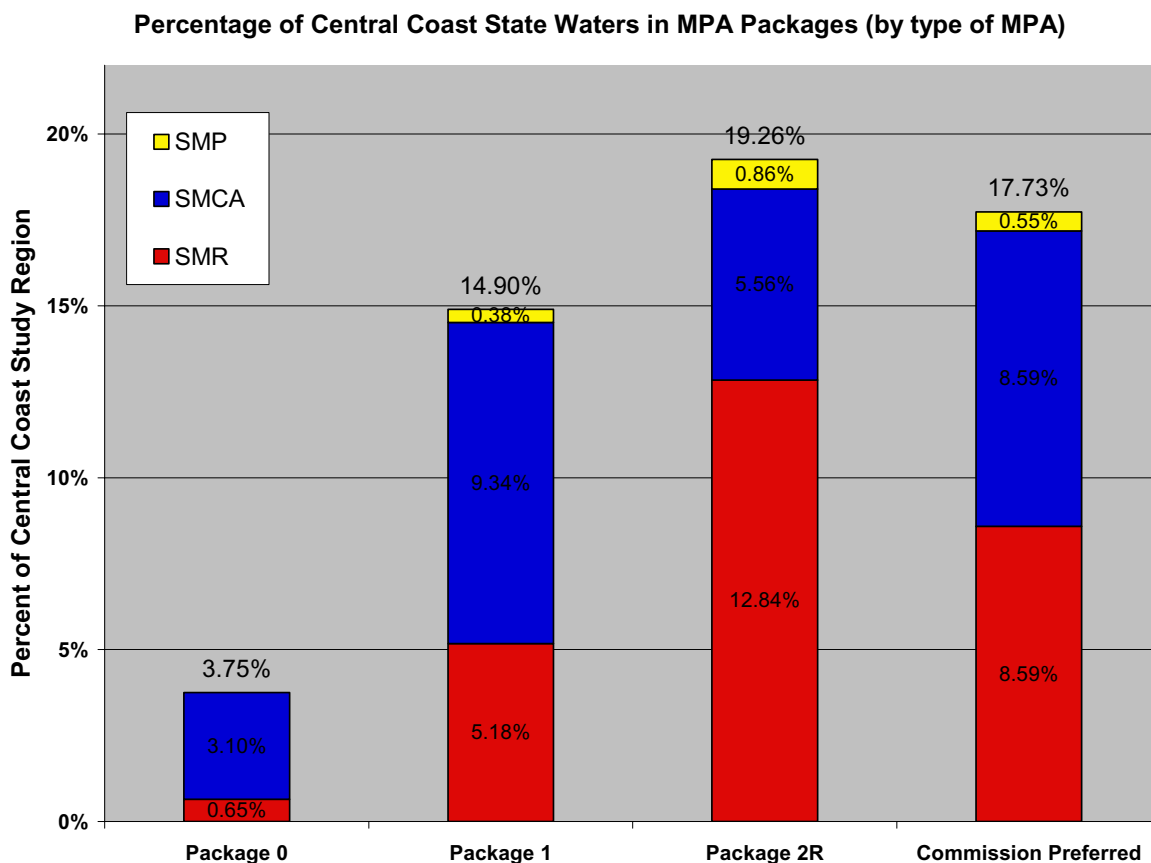


Figure 3. Percent of the central coast study region included in the proposed regulation as compared to existing MPAs (Package 0) and alternative proposals (Package 1 and 2R). SMP = state marine park, SMCA = state marine conservation area, and SMR = state marine reserve. Note that one state recreational management area (Morro Bay) is included in the calculations as part SMR and part SMCA based on its relative level of protection.

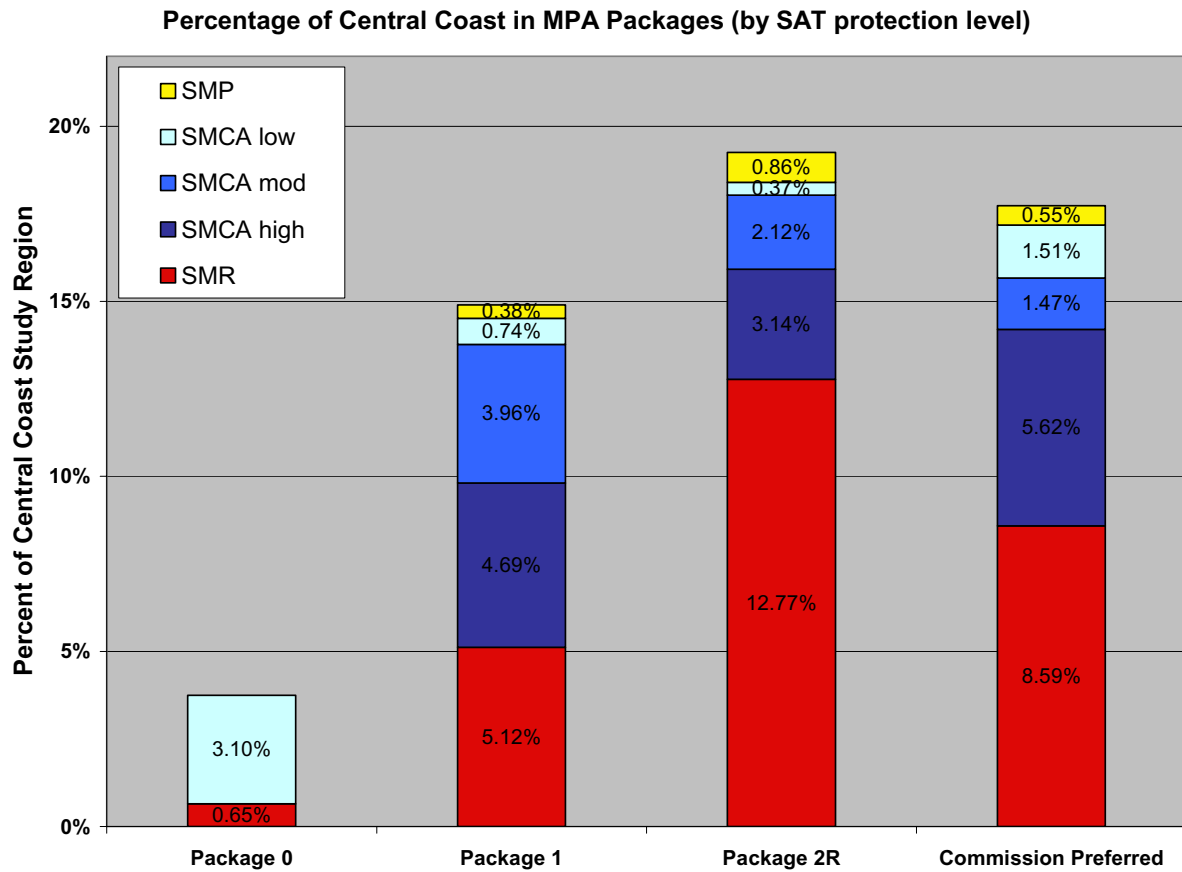


Figure 4. Percent of the central coast study region included in the proposed regulation as compared to existing MPAs (Package 0) and alternative proposals (Package 1 and 2R). SMP = state marine park, SMCA = state marine conservation area, and SMR = state marine reserve. Level of protection is noted as defined by the Science Advisory Team in the Master Plan. Note that one state recreational management area (Morro Bay) is included in the calculations as part SMR and part SMCA based on its relative level of protection.

(B) Other Alternatives

Status Quo – This is the no-project alternative (Package 0) and consists of the existing 12 MPAs and one special closure covering an area of approximately 43 square miles, representing approximately 3.8 percent of state waters within the central coast region (Table 2 and attachments 3 and 4). Of this, only one fifth of the area is within no-take state marine reserves covering approximately 7.5 square miles or approximately 0.7 percent of state waters within the central coast region (Figure 3).

Table 2. Existing marine protected areas in the central coast, including allowed take and Science Advisory Team (SAT) assigned level of protection. Areas arranged geographically from north to south.

MPA Name	Allowed Take	SAT level of protection¹
Año Nuevo Special Closure	All except invertebrates between November 30 and April 30	SMCA Low
Elkhorn Slough SMR	No-Take	SMR
Hopkins SMR	No-Take	SMR
Pacific Grove SMCA	Recreational finfish, and invertebrates other than mollusks or crustaceans. Commercial sardines, mackerel, anchovies, squid, and herring by ring net, lampara net, or bait net.	SMCA low
Carmel Bay SMCA	Recreational finfish by hook-and-line or spear and commercial kelp under specific conditions.	SMCA low
Point Lobos SMR	No-Take	SMR
Julia Pfeiffer Burns SMCA	Recreational finfish, chiones, clams, cockles, rock scallops, native oysters, crabs, lobsters, ghost shrimp, sea urchins, mussels and marine worms (except no worms may be taken in any mussel bed unless taken incidentally to the take of mussels). Commercial finfish, crabs, ghost shrimp, jackknife clams, sea urchins, squid, kelp and worms (except no worms may be taken in any mussel bed, nor may any person pick up, remove, detach from the substrata any other organisms, or break up, move or destroy any rocks or other substrata or surfaces to which organisms are attached).	SMCA low
Big Creek SMR	No-Take	SMR
Atascadero Beach SMCA	All except clams	SMCA low
Morro Beach SMCA	All except clams and commercial take of giant kelp and bull kelp	SMCA low
Pismo SMCA	All finfish and the commercial take of algae other than giant and bull kelp	SMCA low
Pismo-Oceano Beach SMCA	All except clams and commercial take of giant kelp and bull kelp	SMCA low
Vandenberg SMR	No-Take	SMR

¹ In order to analyze the differences between no-take reserves and limited take conservation areas and parks, the Science Advisory Team developed a protection level ranking described in the Master Plan.

Alternative 1 – This is the CCRSG Package 1, developed primarily by constituents representing recreational and commercial fishing interests along the central coast. It consists of 29 MPAs covering an area of approximately 171 square miles, representing approximately 14.9 percent of state waters within the central coast region (Table 3 and attachments 3, 4, and 5). Of this, over one third of the area is within no-take state marine reserves covering approximately 60 square miles or approximately 5.2 percent of state waters within the central coast region (Figure 3). The Department clarified certain proposed regulations for specific MPAs with

the Package 1 proponents and included these in the proposed regulations.

Table 3. Alternative 1 proposal for marine protected areas in the central coast, including proposed allowed take and Science Advisory Team (SAT) assigned level of protection. Areas arranged geographically from north to south.

MPA Name	Proposed Allowed Take	SAT level of protection¹
Año Nuevo SMR	No-Take	SMR
Greyhound Rock SMCA	Recreational and commercial take of pelagic finfish ² , squid, and Dungeness crab. Salmon may not be taken shallower than 25 fathoms.	SMCA Moderate
Greyhound Rock SMR	No-Take	SMR
Elkhorn Slough SMR	No-Take	SMR
Moro Cojo Estuary SMR	No-Take	SMR
Monterey Submarine Canyon No Bottom Contact SMCA	Pelagic finfish ² and squid	SMCA high
Ed Ricketts SMCA	Recreational finfish by hook and line, and commercial take of kelp by hand north of 36° 36.83' North Latitude.	SMCA low
Hopkins SMR	No-Take	SMR
Pacific Grove-Monterey SMCA	Recreational finfish, Dungeness crab, and squid. Commercial Dungeness crab, pelagic finfish ² , squid, and kelp.	SMCA low
Carmel Pinnacles SMR	No-Take	SMR
Carmel Bay SMCA	Recreational finfish and commercial kelp and squid	SMCA low
Point Lobos SMR	No-Take	SMR
Point Lobos SMCA	Recreational and commercial salmon and commercial spot prawns	SMCA moderate
Point Sur Deep Reef SMCA	Pelagic finfish ²	SMCA high
Julia Pfeiffer Burns Offshore SMR	No-Take	SMR
Julia Pfeiffer Burns SMR	No-Take	SMR
Julia Pfeiffer Burns Offshore SMCA	Recreational and commercial salmon and commercial spot prawn	SMCA moderate
Big Creek SMR	No-Take	SMR
Alder Creek SMR	No-Take	SMR
Alder Creek SMCA	Pelagic finfish ²	SMCA high
Point Piedras Blancas SMR	No-Take	SMR
Cambria SMCA (SMP) ³	All recreational take	SMP low
Morro Bay Harbor SMCA	Recreational take, commercial bait fish receiving, and commercial aquaculture by permit.	SMCA low
Morro Bay South SMRMA	No-Take except recreational hunting of waterfowl unless otherwise prohibited	SMR
Point Buchon SMR	No-Take	SMR
Point Buchon SMCA	Recreational and commercial salmon	SMCA high
Diablo Canyon Security Zone SMCA	No-Take	SMCA high

MPA Name	Proposed Allowed Take	SAT level of protection ¹
Vandenberg SMR	No-Take	SMR
Vandenberg Danger Zone 4 SMCA	Recreational and commercial salmon and crabs	SMCA moderate

¹ In order to analyze the differences between no-take reserves and limited take conservation areas and parks, the Science Advisory Team developed a protection level ranking described in the Master Plan.

² Pelagic Finfish are defined as: northern anchovy (*Engraulis mordax*), barracudas (*Sphyraena spp.*), billfishes* (family Istiophoridae), dolphinfish (*Coryphaena hippurus*), Pacific herring (*Clupea pallasii*), jack mackerel (*Trachurus symmetricus*), Pacific mackerel (*Scomber japonicus*), salmon (*Oncorhynchus spp.*), Pacific sardine (*Sardinops sagax*), blue shark (*Prionace glauca*), salmon shark (*Lamna ditropis*), shortfin mako shark (*Isurus oxyrinchus*), thresher sharks (*Alopias spp.*), swordfish (*Xiphias gladius*), tunas (family Scombridae), and yellowtail (*Seriola lalandi*). *Marlin is not allowed for commercial take.

³ These areas will initially be designated as state marine conservation areas, though their regulations allow later change to state marine parks by the State Park and Recreation Commission.

Alternative 2 – This is the CCRSG Package 2R, developed primarily by constituents representing nonconsumptive interests along the central coast, and modified slightly by the BRTF. It consists of 30 MPAs covering an area of approximately 221 square miles, representing approximately 19.3 percent of state waters within the central coast region (Table 4 and attachments 3, 4, and 6). Of this, more than two thirds of the area is within no-take state marine reserves covering approximately 148 square miles or approximately 12.8 percent of state waters within the central coast region (Figure 3). The Department clarified certain proposed regulations for specific MPAs with the Package 2R proponents and included these in the proposed regulations.

Table 4. Alternative 2 proposal for marine protected areas in the central coast, including proposed allowed take and Science Advisory Team (SAT) assigned level of protection. Areas arranged geographically from north to south.

MPA Name	Proposed Allowed Take	SAT level of protection ¹
Año Nuevo SMR	No-Take	SMR
Baldwin to Natural Bridges SMR	No-Take	SMR
Elkhorn Slough SMR	No-Take	SMR
Moro Cojo Estuary SMR	No-Take	SMR
Soquel Canyon SMCA	Salmon and albacore	SMCA high
Portuguese Ledge SMR	No-Take	SMR
Edward C. Cooper SMR	No-Take	SMR
Ed Ricketts SMCA	November 1 through the end of February, the commercial take of kelp north of 36° 36.83' N. lat. by hand only. Not more than 15 tons of kelp may be harvested from the portion of Administrative Kelp Bed 220 within the Ed Ricketts State Marine Conservation Area in the open time period.	SMCA moderate
Hopkins SMR	No-Take	SMR

MPA Name	Proposed Allowed Take	SAT level of protection¹
Pacific Grove SMCA	Finfish may be taken recreationally in the area between the seaward extension of Esplanade Street and boundary of the Hopkins State Marine Reserve by hook and line or spear. Take is prohibited by use of poke-pole gear. Take is prohibited for any competition involving two or more persons in which persons are ranked, or winners are determined, based on size, weight, number of species, type of species, or number of fish taken by means of spearfishing. Commercial take prohibited except kelp harvesting allowed by hand harvest with restrictions to limit take approximately to existing levels.	SMCA low
Asilomar SMR	No-Take	SMR
Carmel Pinnacles SMR	No-Take	SMR
Carmel Bay SMCA	Recreational finfish by hook and line or spear except poke-pole gear is prohibited. Take is prohibited for any competition involving two or more persons in which persons are ranked, or winners are determined, based on size, weight, number of species, type of species, or number of fish taken by means of spearfishing. Commercial take of kelp by hand.	SMCA low
Point Lobos SMR	No-Take	SMR
Point Lobos SMCA	Recreational and commercial salmon, albacore, and commercial spot prawn	SMCA moderate
Point Sur SMR	No-Take	SMR
Julia Pfeiffer Burns SMR	No-Take	SMR
Big Creek SMCA	Recreational and commercial salmon, albacore, and commercial spot prawn deeper than 50 fathoms	SMCA moderate
Big Creek SMR	No-Take	SMR
Piedras Blancas SMR	No-Take	SMR
Cambria SMCA (SMP) ²	All recreational take	SMP low
Ken Norris SMR	No-Take	SMR
Estero Bluff SMR	No-Take	SMR
Morro Bay SMCA	Recreational take and commercial receiving of finfish for bait and permitted aquaculture of oysters.	SMCA low
Morro Bay SMRMA	No-Take. Waterfowl hunting under Commission regulations is allowed.	SMCA high
Morro Bay East SMR	No-Take	SMR
Point Buchon SMR	No-Take	SMR
Point Buchon SMCA	Recreational and commercial salmon and albacore	SMCA high
Purisima Point SMR	No-Take	SMR
Point Arguello SMR	No-Take	SMR

¹ In order to analyze the differences between no-take reserves and limited take conservation areas and parks, the Science Advisory Team developed a protection level ranking described in the Master Plan.

² These areas will initially be designated as state marine conservation areas, though their regulations allow later change to state marine parks by the State Park and Recreation Commission.

- (b) Authority and Reference Sections from Fish and Game Code and Public Resources Code for Regulation.

Section 165

Authority: Sections 6653 and 6653.5, Fish and Game Code.

Reference: Sections 6650-6680, Fish and Game Code

Section 632

Authority: Sections 200, 202, 203.1, 205(c), 219, 220, 1590, 1591, 2860, 2861, and 6750, Fish and Game Code; and Sections 36725(a) and 36725(e), Public Resources Code.

Reference: Sections 200, 202, 203.1, 205(c), 219, 220, 1580, 1583, 2861, 5521, 6653, 8420(e), and 8500, Fish and Game Code; and Sections 36700(e), 36710(e), 36725(a) and 36725(e), Public Resources Code.

- (c) Specific Technology or Equipment Required by Regulatory Change.

None.

- (d) Identification of Reports or Documents Supporting Regulation Change.

Master Plan Framework, August 2005

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|---------------|---|
| Attachment 1: | Regional goals, objectives, and design and implementation considerations for the central coast regional component of a statewide MPA network. |
| Attachment 2: | Detailed description, objectives and maps of the preferred alternative. |
| Attachment 3: | Comparison of areas and habitats in each alternative |
| Attachment 4: | Maps of alternatives |
| Attachment 5: | Individual MPA objectives for alternative 1 |
| Attachment 6: | Individual MPA objectives for alternative 2 |
| Attachment 7: | Estimates of the Maximum Potential Economic Impacts of Marine Protected Area Networks in the Central California Coast. |
| Attachment 8: | Marine Life Protection Act Initiative Estimated Long-Term Costs to Implement the California Marine Life Protection Act |

(e) Public Discussions of Proposed Regulations Prior to Notice of publication

Meeting Dates	Location	Major Topics
August 15, 2006	Monterey, CA	Fish and Game Commission special hearing with public comment on the alternative MPA packages for the central coast, and decision to begin the formal regulatory process and CEQA review with a Commission preferred alternative (developed at this meeting) two project alternatives, and a no-change alternative.
August 2, 2006	Sacramento, CA	Fish and Game Commission special hearing with public comment on the alternative MPA packages, including the Department's preferred alternative for the central coast.
June 22, 2006	Mammoth Lakes, CA	Fish and Game Commission meeting with formal transmittal of Department's preferred alternative MPA package and three other alternative MPA packages. No public comment was received.
May 25, 2006	Sacramento, CA	Fish and Game Commission- Blue Ribbon Task Force joint meeting with public comment on proposed MPA package alternatives
March 14-15, 2006	Seaside, CA	Blue Ribbon Task Force meeting with public comment on MPA package proposals
March 2, 2006	San Jose, CA	Science Advisory Team meeting with public comment on evaluation of MPA package proposals
January 31-February 1, 2006	Morro Bay, CA	Blue Ribbon Task Force meeting with public comment on MPA package proposals
January 20, 2006	San Jose, CA	Science Advisory Team meeting with public comment on evaluation of MPA package proposals
December 6-7, 2005	Monterey, CA	Central Coast Regional Stakeholder Group meeting with public comment on MPA package proposals
November 29-30, 2005	Monterey, CA	Blue Ribbon Task Force meeting with public comment on MPA package proposals
November 15, 2005	Santa Cruz, CA	Science Advisory Team meeting with public comment on evaluation of MPA package proposals
November 9-10, 2005	Cambria, CA	Central Coast Regional Stakeholder Group meeting with public comment on MPA package proposals
October 18, 2005	San Luis Obispo, CA	Science Advisory Team meeting with public comment on species likely to benefit from MPAs and tools for evaluating MPAs
October 5-6, 2005	Cambria, CA	Central Coast Regional Stakeholder Group meeting with public comment on existing MPAs
September 28, 2005	San Luis Obispo, CA	Blue Ribbon Task Force meeting with public comment on MLPA regional goals and objectives
September 19, 2005	Santa Cruz, CA	Science Advisory Team meeting with public comment on scientific guidelines for Master Plan Framework and central coast regional goals and objectives
September 7-8, 2005	Cambria, CA	Central Coast Regional Stakeholder Group meeting with public comment on MLPA regional goals and objectives

Meeting Dates	Location	Major Topics
August 30, 2005	Santa Rosa, CA	Science Advisory Team meeting with public comment on scientific guidelines for Master Plan Framework and central coast regional goals and objectives
August 18, 2005	San Luis Obispo, CA	Commission adoption meeting for Master Plan framework with public comments
August 16, 2005	San Diego, CA	Commission public hearing with public comments on draft Master Plan Framework
August 10-11, 2005	Monterey, CA	Central Coast Regional Stakeholder Group meeting with public comment on MLPA regional goals and objectives and Regional Profile
August 9, 2005	Eureka, CA	Commission public hearing with public comments on draft Master Plan Framework
August 4, 2005	Windsor, CA	Commission public hearing with public comments on draft Master Plan Framework
August 2, 2005	Oakland, CA	Science Advisory Team meeting with public comment on scientific guidelines for Master Plan Framework
July 19, 2005	Oakland, CA	Commission public hearing with public comments on draft Master Plan Framework
July 12, 2005	Santa Barbara, CA	Commission public hearing with public comments on draft Master Plan Framework
July 11-12, 2005	Santa Barbara, CA	Blue Ribbon Task Force meeting with public comment on scientific approach to development of MPA package proposals
July 7-8, 2005	Morro Bay, CA	Central Coast Regional Stakeholder Group meeting with public comment on MLPA regional goals and objectives
July 6, 2005	San Luis Obispo, CA	Science Advisory Team meeting with public comment on scientific guidelines for Master Plan Framework
May 23, 2005	Sacramento, CA	Blue Ribbon Task Force meeting with public comment on the MLPA Initiative process along the central coast
May 11, 2005	Oakland, CA	Science Advisory Team meeting with public comment on scientific guidelines for Master Plan Framework
April 11-12, 2005	Pasadena, CA	Blue Ribbon Task Force meeting with public comment on the designation of the central coast as the initial study region and on the proposed Master Plan Framework
March 23, 2005	Oakland, CA	Science Advisory Team meeting with public comment on information needs for Master Plan Framework
February 22-23, 2005	Monterey, CA	Blue Ribbon Task Force meeting with public comment on the designation of the central coast as the initial study region and on the proposed Master Plan Framework
February 17, 2005	Bodega Bay, CA	MLPA Initiative meeting with public comment on the location of the central coast study region
February 16, 2005	Santa Cruz, CA	MLPA Initiative meeting with public comment on the location of the central coast study region
February 15, 2005	Morro Bay, CA	MLPA Initiative meeting with public comment on the location of the central coast study region
February 11, 2005	Oakland, CA	Science Advisory Team meeting with public comment on information needs for Master Plan Framework

Meeting Dates	Location	Major Topics
January 10-11, 2005	Long Beach, CA	Blue Ribbon Task Force meeting with public comment on selection criteria for the initial study region and on the work plan for the Master Plan Framework
January 7, 2005	Oakland, CA	Science Advisory Team meeting with public comment on information needs for Master Plan Framework and selection criteria for the initial study region
October 23-24, 2004	Sacramento, CA	Blue Ribbon Task Force meeting with public comment on selection criteria for the initial study region

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change: See Section III(a)(8)(B) of this Initial Statement of Reasons for discussion of alternatives.

(b) No Change Alternative:

The no change alternative would leave existing MPAs in state waters of the central coast unchanged. This would provide no additional protection to resources or ecosystem-based protection. The no-change alternative would not address the goals of the Marine Life Protection Act and potentially lead to continued declines in certain populations of marine life, habitats, and the marine environment.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation.

V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action would have no negative impact on the environment; therefore, no mitigation measures are needed. A full discussion of the proposed regulation and alternatives is included in the Department of Fish and Game's Draft Environmental Impact Report for Marine Protected Areas in the Central California Coast, November 2006.

VI. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

Each alternative may have negative short-term impacts on commercial and recreational fishing businesses. The impacts presented here do not represent a complete socioeconomic impact analysis, but rather what is generally referred to as a Step 1 analysis or “maximum potential loss.” This analysis simply sums up the activity that currently takes place within a given alternative and translates these activities into corresponding economic values. Maximum potential loss does not take into account other management strategies/regulations and human behavioral changes, such as moving to other areas or changing fishing gear, that may mitigate, offset, or make matters better or worse. In addition, maximum potential loss does not consider possible future benefits.

The estimates of maximum potential impact shown here rely on the survey work and subsequent geographic information system (GIS) data analysis conducted by Ecotrust and reported in various documents to the BRTF. Ecotrust interviewed fishermen to determine both location of fishing activities and the relative importance of each location. Wilen and Abbott (2006, Attachment 7) combined Ecotrust’s importance indices with cost share information from secondary sources to measure the maximum potential impacts of prospective closures on expected net economic values from commercial fishing. Wilen and Abbott’s economic impact analysis included alternatives 1 and 2, along with other alternatives presented to the Commission. Once the Commission selected a preferred alternative, the methodology used to determine potential impacts for alternatives 1 and 2 were applied to the Proposed Regulation to develop an estimate. The estimates of the maximum potential annual losses for the three alternatives considered here (in real 2005 dollars) are approximately: \$670,000 (Alternative 1); \$1,260,000 (Alternative 2); and \$1,010,000 (Proposed Regulation) (Table 5). These are relative to average annual real 1999-2004 baseline gross revenues of approximately \$13,600,000 and net economic values of about \$8,800,000. They represent maximum potential percentage reductions in net pre-MPA economic values of: 7.5 percent (Alternative 1); 14.2 percent (Alternative 2); and 11.5 percent (Proposed Regulation) (Table 6).

It should be noted, however, that due to the methodology and need to maintain confidentiality of individual fishermen's financial data, the average impacts across fisheries may not be representative of the true maximum potential impact to an individual. In fisheries where there are few participants whose fishing grounds do not overlap (such as the spot prawn fishery) the numbers represented here may underestimate the maximum potential impact to individuals.

Table 5. Estimated annual maximum potential net economic value losses¹ relative to base scenario.

Fishery	Alternative 1	Alternative 2	Proposed Regulation
Anchovy	\$13,227	\$25,182	\$20,095
Cabazon	\$42,918	\$81,234	\$68,159
Dungeness crab	\$7,708	\$21,977	\$24,529
Deep Nearshore Rockfish	\$84,528	\$116,874	\$114,618
Halibut	\$13,492	\$20,992	\$20,112
Kelp Greenling	\$3,563	\$6,496	\$5,570
Lingcod	\$4,497	\$8,770	\$7,412
Mackerel	\$744	\$1,426	\$1,236
Rockfish Nearshore	\$73,302	\$131,432	\$115,028
Rockfish Shelf	\$7,109	\$12,074	\$7,881
Rockfish Slope	\$24,365	\$42,098	\$37,066
Rock Crab	\$9,966	\$11,055	\$11,321
Salmon	\$46,005	\$138,554	\$81,249
Sardine	\$39,830	\$84,297	\$63,698
Sablefish	\$40,032	\$136,567	\$139,908
White seabass	\$43,240	\$38,730	\$46,752
Surfperch	\$558	\$1,034	\$976
Spot Prawn	\$57,415	\$122,086	\$97,953
Squid	\$155,327	\$259,298	\$151,299
Total	\$667,826	\$1,260,176	\$1,014,862

¹Losses are calculated in 2005 dollars.

Table 6. Estimated annual maximum potential net value losses in percentage terms

Fishery	Alternative 1	Alternative 2	Proposed Regulation
Anchovy	5.7%	10.9%	8.7%
Cabazon	14.6%	27.7%	23.3%
Dungeness crab	4.5%	12.8%	14.3%
Deep Nearshore Rockfish	16.5%	22.8%	22.4%
Halibut	6.4%	10.0%	9.6%
Kelp Greenling	13.1%	23.9%	20.5%
Lingcod	13.1%	25.6%	21.6%
Mackerel	5.4%	10.3%	8.9%
Rockfish Nearshore	14.3%	25.6%	22.4%
Rockfish Shelf	7.5%	12.7%	8.3%
Rockfish Slope	14.3%	24.8%	21.8%
Rock Crab	12.0%	13.3%	13.6%
Salmon	3.4%	10.3%	6.0%
Sardine	5.2%	11.1%	8.4%
Sablefish	6.8%	23.3%	23.9%
White seabass	9.1%	8.2%	9.9%
Surfperch	2.7%	5.1%	4.8%
Spot Prawn	7.3%	15.5%	12.4%
Squid	6.2%	10.3%	6.0%
Total	7.5%	14.2%	11.5%

Wilen and Abbott also computed rough estimates of secondary impacts on the fish processing industry and multiplier effects on the regional economy. These are proportional to the primary impacts described above (Table 7).

Table 7. Summary of estimated maximum potential economic impacts (annual real 2005 dollars) expanded by secondary and multiplier effects.

	Primary Impacts	Secondary Impacts	Induced Impacts	Total Impacts
Alternative 1	\$667,826	\$256,856	\$1,155,852	\$2,080,534
Alternative 2	\$1,260,176	\$484,683	\$2,181,072	\$3,925,929
Proposed Regulation	\$1,014,862	\$390,331	\$1,756,491	\$3,161,683

Ecotrust also analyzed the maximum potential loss to recreational fishing area in terms of percentage of the total fishing grounds and percentage of the number of fishing trips in a given year. Ecotrust only used recreational skiff fishing data for these analyses and did not include Commercial Passenger Fishing Vessel (CPFV or “party boat”) spatial data. Similar to the commercial estimates of maximum potential loss, these estimates assume all fishing activity that previously occurred in a closed area is “lost” and not replaced by movement to another location. Estimates were

made for the two primary recreational fisheries in the central coast region, rockfish and salmon. None of the alternatives had greater than a 15 percent impact to total fishing grounds for rockfish or greater than a 5 percent impact to total fishing grounds for salmon and none had greater than a 30 percent impact to fishing trips for rockfish or greater than a 5 percent impact to fishing trips for salmon (Table 8). While not economic losses, if realized, the loss in recreational fishing activity could lead to decreases in revenues to recreational fishing dependent businesses.

Table 8. Maximum potential losses to private skiff recreational fishing grounds and fishing trips for rockfish and salmon.

	Alternative 1	Alternative 2	Proposed Regulation
Percent Recreational Salmon Grounds	0.01%	2.41%	1.13%
Percent of Salmon Fishing Trips	0.14%	2.55%	1.90%
Percent Recreational Rockfish Grounds	5.48%	13.53%	11.98%
Percent of Rockfish Fishing Trips	16.10%	28.25%	21.84%

In the long term, the potential negative impacts are expected to be balanced by the positive impacts of sustainable fisheries, non-consumptive benefits, and ecosystem function in the reserve areas. In addition, potential benefits may be realized through adult fish spillover to areas adjacent to marine reserves and state marine conservation areas which prohibit bottom fishing for finfish, as well as through transport to distant sites.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

Each alternative has potential impacts on the creation and elimination of jobs related to commercial and recreational fishing and non-consumptive activities. Estimates of the numbers of jobs eliminated as a direct result of the proposed action are difficult to determine. Commercial fishing operations are generally small businesses employing few individuals and, like all small businesses are subject to failure for a variety of causes. Additionally, the long-term intent of the proposed action is to increase sustainability in fish stocks and subsequently the long-term viability of these same small businesses. Jobs related to the non-consumptive tourism and recreational industries would be expected to increase over time by some unknown factor based on expected improvements in site quality and increased visitation to certain locations.

(c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

Any additional costs to State agencies for enforcement, monitoring, and management of MPAs are difficult to estimate and depend on not only the impacts of the proposed regulation but also other regulations and processes. Current cooperative efforts with the Monterey Bay National Marine Sanctuary provide funding for some existing costs and are expected to increase with the adoption of this regulation. Changes in enforcement, monitoring, and management will increase costs to the Department of Fish and Game as compared to current efforts.

Based upon an analysis of costs of similar programs, the estimated total costs for implementing the central coast MPAs ranges from \$1.8 to \$7.4 million, with an average of \$4.6 million (Attachment 8). These costs would increase as new study regions are designated and become operational. Funding was provided to the Department of Fish and Game in the 2006/2007 Governor's budget to cover the implementation costs of the central coast MPAs.

(e) Nondiscretionary Costs/Savings to Local Agencies:

None

(f) Programs Mandated on Local Agencies or School Districts:

None

(g) Costs Imposed on Any Local Agency or School District that is Required to Be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4:

None

(h) Effect on Housing Costs:

None

Informative Digest / Policy Statement Overview

The Marine Life Management Act (MLMA, Stats. 1998, ch. 1052) created a broad programmatic framework for managing fisheries through a variety of conservation measures, including Marine Protected Areas (MPAs). The Marine Life Protection Act (MLPA, Stats. 1999, ch. 1015) established a programmatic framework for designating such MPAs in the form of a statewide network. AB 2800 (Stats. 2000, ch. 385) enacted the Marine Managed Areas Improvement Act (MMAIA), among other things, to standardize the designation of Marine Managed Areas (MMAs), which include MPAs. The overriding goal of these acts is to ensure the conservation, sustainable use, and restoration of California's marine resources. Unlike previous laws, which focused on individual species, the acts focus on maintaining the health of marine ecosystems and biodiversity in order to sustain resources.

This notice represents a significant revision to the notice dated October 31, 2006. Revisions to the initial notice based on public testimony and further review by the California Department of Fish and Game (Department) and California Fish and Game Commission (Commission) resulted in the retraction of the original notice and production of this notice.

The proposed regulation is intended to meet the goals described in the MLPA. These goals address an overall concept of ecosystem-based management and the intent to improve upon California's existing array of marine protected areas (MPAs). The MLPA specifically requires that the Department of Fish and Game prepare a master plan and the Commission adopt regulations based on the plan that achieve the MLPA goals. These goals are:

- To protect the natural diversity and abundance of marine life, and the structure, function, and integrity of marine ecosystems.
- To help sustain, conserve, and protect marine life populations, including those of economic value, and rebuild those that are depleted.
- To improve recreational, educational, and study opportunities provided by marine ecosystems that are subject to minimal human disturbance, and to manage these uses in a manner consistent with protecting biodiversity.
- To protect marine natural heritage, including protection of representative and unique marine life habitats in California waters for their intrinsic value.
- To ensure that California's MPAs have clearly defined objectives, effective management measures, and adequate enforcement, and are based on sound scientific guidelines.
- To ensure that the State's MPAs are designed and managed, to the extent possible, as a network.

Important in developing the proposed regulation was the consideration that the central coast MPAs form a component of a statewide network. By definition in the MLPA, a network is applied to a biogeographical region. The Master Plan Framework for MPAs adopted by the Commission recognizes two biogeographical regions in California, with a

boundary at Pt. Conception. The biological network concept calls for connectivity between MPAs through adult movements and larval transport of the species most likely to benefit from establishing MPAs. This includes marine plants, sedentary fishes and invertebrates, and species which are not highly mobile or migratory. This approach is consistent with the guidance provided in the MLPA [Fish and Game Code subsection 2853(b)(6)]. Networks may also be connected through consistency in the method of establishment, goals, objectives, and management and enforcement measures.

The proposed regulation establishes a network component of MPAs designed to include all representative central coast habitats and major oceanic conditions. Unique and critical habitats were considered separately to guarantee both representation and protection.

From an ecological perspective, the proposed regulation creates a network component of MPAs consistent with the goals of the MLPA. From an economic and social perspective, the proposed regulation attempts to minimize potential negative socio-economic impacts and optimize potential positive socio-economic impacts for all users, to the extent possible.

Existing regulations (the no-project alternative) provide for 12 MPAs and one special closure covering an area of approximately 43 square miles, which represents approximately 3.8 percent of state waters within the central coast region. Of this, one fifth of the area is within no-take state marine reserves covering approximately 7.5 square miles or approximately 0.7 percent of state waters within the central coast region.

The recommended set of MPAs, along with each alternative, includes state marine parks. Because the Fish and Game Commission does not have legislated authority to establish new state marine parks, the proposed regulation designates recommended parks as state marine conservation areas but maintains the recommended restrictions on take and prohibits commercial take in these areas. A later regulatory process, promulgated by the State Park and Recreation Commission, will change the designation of these areas to state marine parks.

The Commission's preferred alternative and each of the other alternatives include a proposed state marine recreational management area in Morro Bay. As this designation of marine managed area was not previously included in Section 632, reference to it and a definition have been added in the proposed change.

Section 632 was added to Title 14 in 2003 to implement the adoption of the Channel Islands MPAs. In 2004, a subsequent regulatory process reclassified all other existing MPAs and moved their regulations into Section 632. This process implemented the requirements of the MMAIA and was intended to not change any existing regulations or restrictions. By doing this, however, certain restrictions that are not appropriate for the marine portion of existing terrestrial protected areas were carried over unintentionally. These restrictions are either unenforceable in the marine environment or otherwise

confusing to the public who may access MPAs from the ocean. The proposed change, consistent with the requirements of the MLPA, removes out of date language and makes the existing regulations easier to understand.

In reviewing Section 632, Title 14, the Department also found typographical errors and inconsistencies in terminology that are corrected in the proposed regulatory change. These changes are neither substantial, nor do they change the existing restrictions. They serve to clarify the existing regulations for greater ease of enforcement and public understanding and add consistency in format to each subsection of Section 632.

In the proposed change, the term “offshore” has been consistently replaced with “seaward of mean lower low water”. Mean lower low water is the official tidal datum point used when National Oceanic and Atmospheric Association nautical chart depths are established. Where appropriate, the phrase “straight lines connecting the following points in the order listed” has been added to the boundary descriptions. The geographic coordinates for Goldfish Point are added to subsection 632(b)(99) (La Jolla State Marine Conservation Area) to be consistent with the inclusion of coordinates for other geographic points.

The proposed change adds a simple definition for the term “finfish” to Section 632. The term finfish is frequently used in the section, though was previously undefined. Existing regulations in Section 159 dealing with coastal pelagic species include a definition of “finfish”, though the section actually addresses coastal pelagic finfish. The proposed change specifies that the definition of finfish in Section 159 does not apply to avoid confusion of the two definitions. The proposed change also refines the restrictions on anchoring and transit within MPAs to clarify that fishing gear must not be deployed in the water.

The proposed change clarifies that all existing fishing statutes and regulations still apply in MPAs. The proposed change also clarifies that permits referred to in subsections 632(a)(1)(A), (B) and (C) are scientific collecting permits pursuant to Section 650. The proposed change refines the existing restriction on feeding of wildlife to both clarify that fish are included in the definition of wildlife and that feeding as a result of both permitted scientific collection and authorized fishing activities is allowed.

Scientific (Latin) names have been added where appropriate to identify species that could be easily confused. This is done only for MPAs within the central coast region and in the case of giant kelp and bull kelp for consistency. As restrictions may change in other regions when the MLPA is implemented, species names for MPA restrictions in other regions will be addressed during the regional process for those regions. An existing State Park Unit, the Point Lobos State Reserve, lies within the proposed Point Lobos State Marine Reserve. The proposed regulation clarifies that restrictions on access within the existing State Reserve will not extend into the area proposed in the expanded State Marine Reserve.

The proposed change adds restrictions on the amount of kelp that may be harvested on

a monthly basis in certain MPAs. In order to adequately link this change to the existing kelp harvest regulations, changes are proposed to subsection 165(b). The change clarifies that if kelp is harvested from a marine protected area which limits the total take, records must be available on the harvest vessel for examination. The forms specified for reporting monthly kelp harvest are added to Title 14 Appendix A. The term “public weighmaster” is replaced in subsection 165(b)(1) with the term “certified or licensed weighmaster” to be consistent with current legal definitions.

Additionally, the existing restriction on kelp harvest in the vicinity of the Monterey Breakwater is clarified in subsection 165(c). The proposed change removes confusing language and reference to the “Chart House restaurant” and replaces it with a defined line of latitude. This change will allow the proposed language in Section 632 to remain consistent if future changes to Section 165 are made.

An allowance for minor incidental catch that is almost certain to occur in the course of commercial squid fishing has been added to SMCAs in subsection 632(b) which allow the take of squid but not other common bycatch species. A prohibition on anchoring shallower than 10 fathoms is added to the proposed Big Creek State Marine Reserve to replace the previous prohibition on all boating except for transit. This less restrictive prohibition allows for some anchoring while maintaining protection for ongoing research and research equipment on the seafloor.

Proposed Regulation - The proposed regulation includes a total of 29 MPAs for the central coast region (Table 1 and Figure 1). Eight existing MPAs are included and have been expanded or, in the case of Pacific Grove SMCA and Carmel Bay SMCA, split into two new MPAs. Although the proposed regulation contains 19 new MPAs, five are directly adjacent to existing areas and can be considered further expansion of the area. In these five cases, the additional expansion is a conservation area or a park with some allowed take. Thus, the proposed regulation includes 14 MPAs that are in areas previously not designated as MPAs.

Table 1. Proposed regulation for marine protected areas in the central coast, including proposed allowed take and Science Advisory Team (SAT) assigned level of protection. Areas arranged geographically from north to south.

MPA Name	Proposed Allowed Take	SAT level of protection ¹
Año Nuevo SMR or SMCA (see Note)	No-Take NOTE: Sub-Options are provide for allowing the commercial take of giant kelp within this MPA.	SMR
Greyhound Rock SMCA*	Recreational finfish by hook and line from shore only and recreational and commercial giant kelp (<i>Macrocystis pyrifera</i>) by hand, salmon, and squid	SMCA Low
Natural Bridges SMR*	No-Take	SMR
Elkhorn Slough SMR	No-Take	SMR
Elkhorn Slough SMCA (SMP)* ²	Recreational finfish by hook and line and clams in area adjacent to DFG wildlife area in west.	SMP low
Moro Cojo Slough SMR*	No-Take	SMR

MPA Name	Proposed Allowed Take	SAT level of protection ¹
Soquel Canyon SMCA*	Pelagic finfish ³ NOTE: Sub-Options are provided for allowing the commercial take of spot prawn within this MPA.	SMCA high
Portuguese Ledge SMCA*	Pelagic finfish ³ NOTE: Sub-Options are provided for allowing the commercial take of spot prawn within this MPA.	SMCA high
Edward F. Ricketts SMCA*	Recreational finfish by hook and line, and commercial take of kelp by hand north of 36° 36.83' North Latitude NOTE: Sub-Options are provided for the time of day and location where recreational fishing is allowed in this MPA	SMCA low
Lovers Point SMR	No-Take	SMR
Pacific Grove Marine Gardens SMCA	Recreational finfish and commercial kelp by hand	SMCA low
Asilomar SMR	No-Take	SMR
Carmel Pinnacles SMR	No-Take	SMR
Carmel Bay SMCA	Recreational finfish and commercial kelp by hand	SMCA low
Point Lobos SMR	No-Take	SMR
Point Lobos SMCA*	Recreational and commercial salmon, albacore, and commercial spot prawn	SMCA moderate
Point Sur SMR*	No-Take	SMR
Point Sur SMCA*	Recreational and commercial salmon and albacore	SMCA high
Big Creek SMCA*	Recreational and commercial salmon, albacore, and commercial spot prawn	SMCA moderate
Big Creek SMR	No-Take	SMR
Piedras Blancas SMR*	No-Take	SMR
Piedras Blancas SMCA*	Recreational and commercial salmon and albacore	SMCA high
Cambria SMCA (SMP)* ²	All recreational take NOTE: Sub-Options are provided for the southern and northern boundaries of this MPA	SMP low
Cambria SMR* or SMCA (see Note)	No-Take NOTE: Sub-Options are provided for the northern boundary of this MPA and for allowing the take of kelp.	SMR
Morro Bay SMRMA*	No-Take in South. Recreational finfish and commercial bait fish receiving, and commercial aquaculture by permit in north. Waterfowl hunting under Commission regulations in entire area.	SMCA low/high
Morro Bay SMR*	No-Take	SMR
Point Buchon SMR*	No-Take	SMR
Point Buchon SMCA*	Recreational and commercial salmon and albacore	SMCA high
Vandenberg SMR	No-Take	SMR

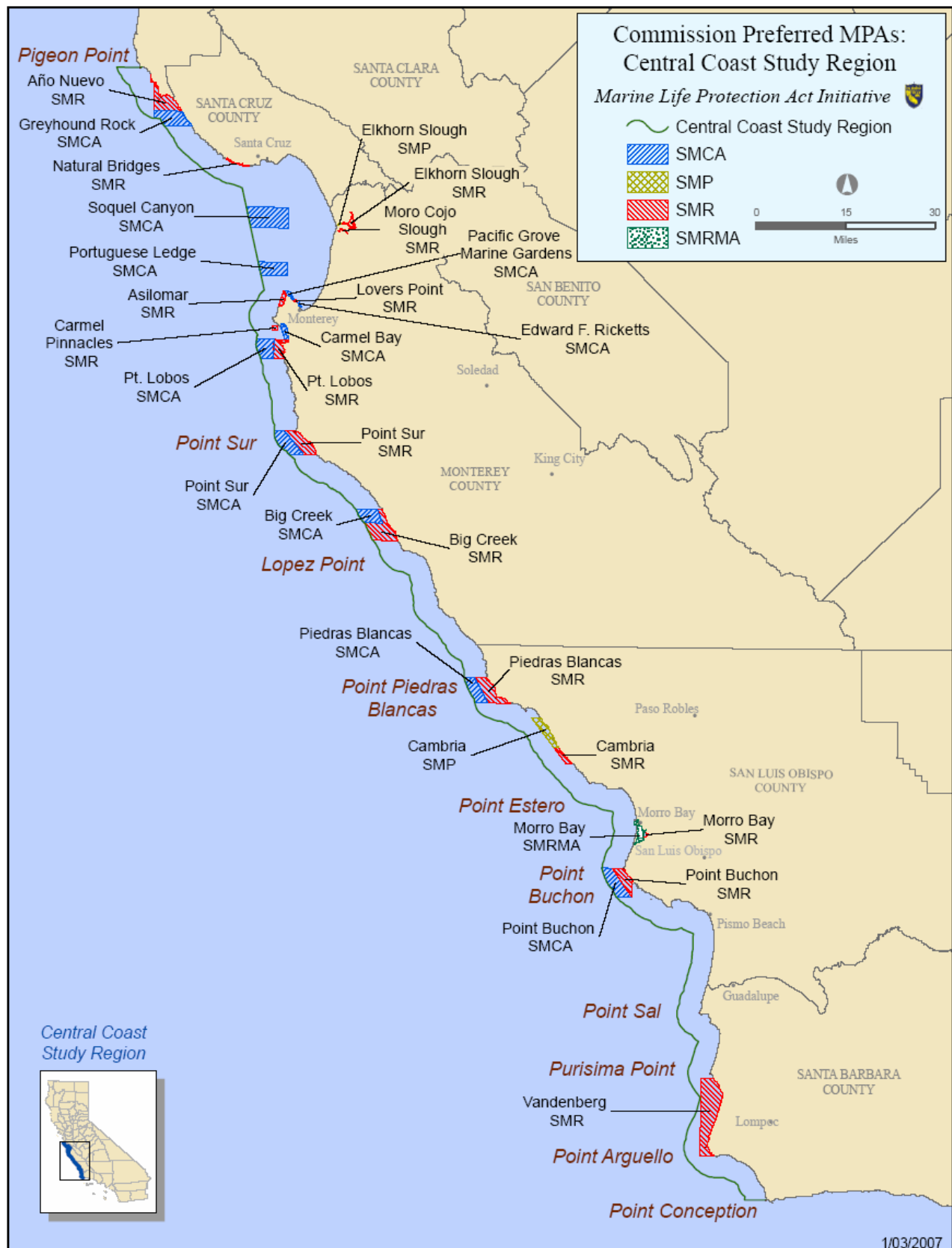
* New MPAs that are not direct expansion of an existing area.

¹ In order to analyze the differences between no-take reserves and limited take conservation areas and parks, the Science Advisory Team developed a protection level ranking described in the Master Plan.

² These areas will initially be designated as state marine conservation areas, though their regulations allow later change to state marine parks by the State Park and Recreation Commission.

³ Pelagic Finfish are defined as: northern anchovy (*Engraulis mordax*), barracudas (*Sphyraena spp.*), billfishes* (family Istiophoridae), dolphinfish (*Coryphaena hippurus*), Pacific herring (*Clupea pallasii*), jack mackerel (*Trachurus symmetricus*), Pacific mackerel (*Scomber japonicus*), salmon (*Oncorhynchus spp.*), Pacific sardine (*Sardinops sagax*), blue shark (*Prionace glauca*), salmon shark (*Lamna ditropis*), shortfin mako shark (*Isurus oxyrinchus*), thresher sharks (*Alopias spp.*), swordfish (*Xiphias gladius*), tunas (family Scombridae), and yellowtail (*Seriola lalandi*). *Marlin is not allowed for commercial take.

Figure 1. Marine protected areas in the proposed regulation.



SMCA = state marine conservation area SMP = state marine park
SMR = state marine reserve SMRMA = state marine recreational management area

The proposed regulation includes MPAs covering an area of approximately 204 square miles, representing approximately 17.7 percent of state waters within the central coast region. Of this, less than half the area is within no-take state marine reserves covering approximately 97 square miles or approximately 8.4 percent of state waters within the central coast region (Figure 3). The remaining areas are primarily state marine conservation areas. Two of these SMCAs (Elkhorn Slough and Cambria) are recommended for later change to state marine parks and have restrictions on take which would allow this later designation. Many of the SMCAs allow the take of either all pelagic finfish (defined above) or salmon and albacore and were considered by the SAT to offer high ecosystem protection (Figure 4). In some state marine conservation areas take of other species such as squid, kelp, and spot prawn are also allowed. With a few exceptions, the state marine conservation areas protect benthic fishes and invertebrates most likely to benefit from area protection.

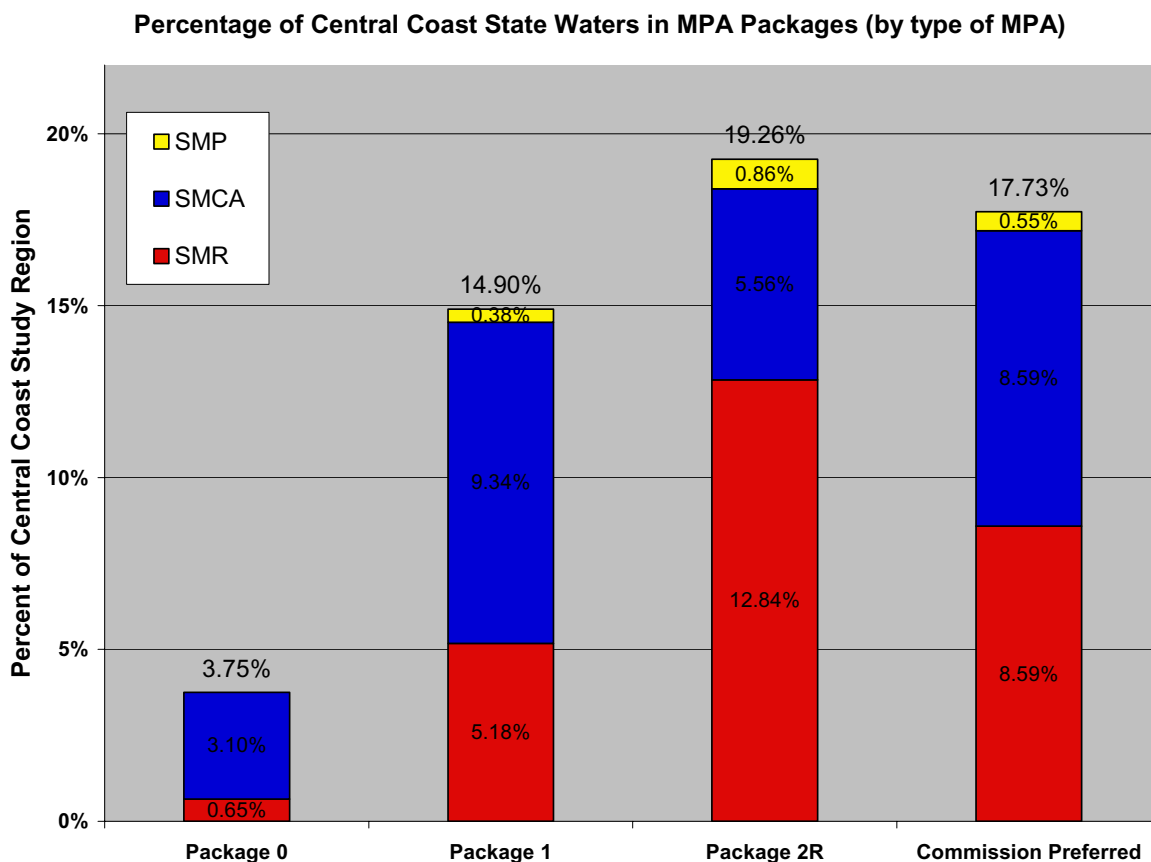


Figure 3. Percent of the central coast study region included in the proposed regulation as compared to existing MPAs (Package 0) and alternative proposals (Package 1 and 2R). SMP = state marine park, SMCA = state marine conservation area, and SMR = state marine reserve. Note that one state recreational management area (Morro Bay) is included in the calculations as part SMR and part SMCA based on its relative level of protection.

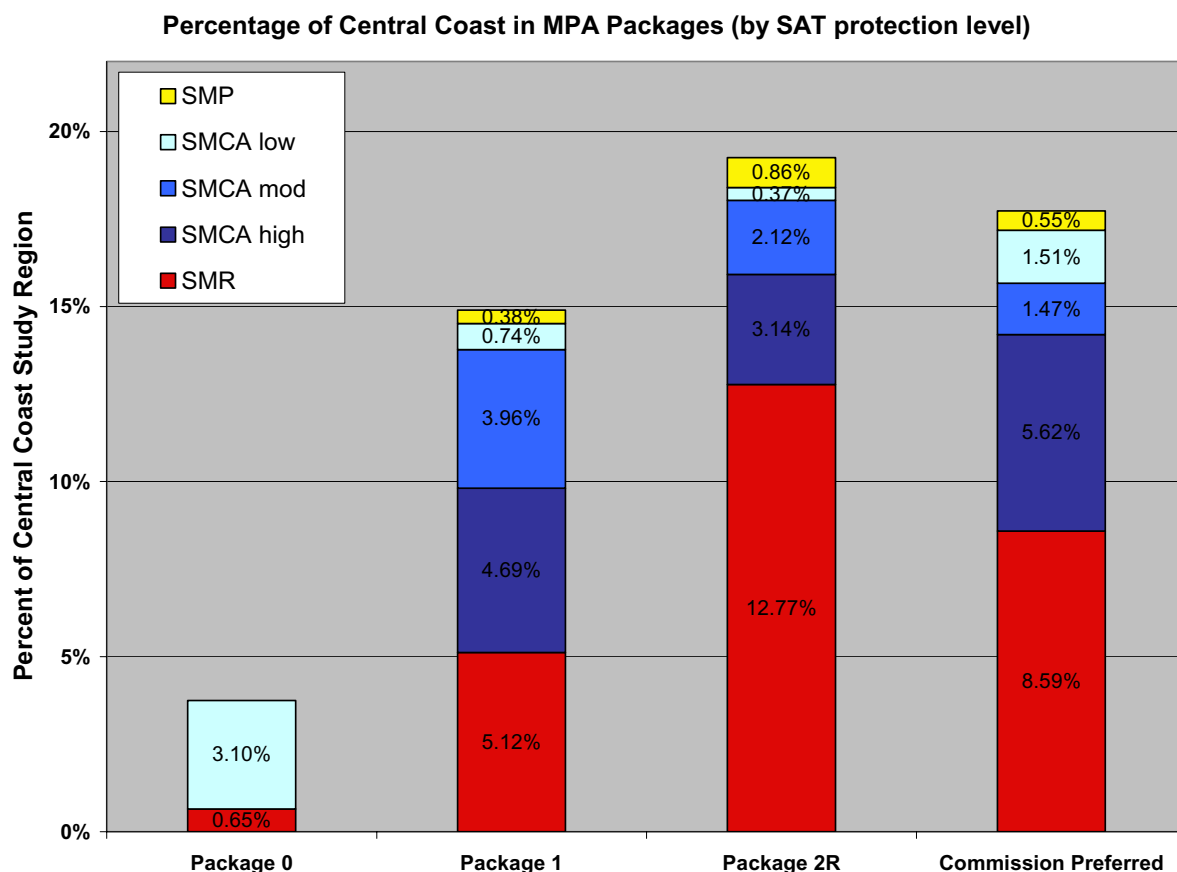


Figure 4. Percent of the central coast study region included in the proposed regulation as compared to existing MPAs (Package 0) and alternative proposals (Package 1 and 2R). SMP = state marine park, SMCA = state marine conservation area, and SMR = state marine reserve. Level of protection is noted as defined by the Science Advisory Team in the Master Plan. Note that one state recreational management area (Morro Bay) is included in the calculations as part SMR and part SMCA based on its relative level of protection.

Alternative 1 – This is the Central Coast Regional Stakeholders Group (CCRSG) Package 1, developed primarily by constituents representing recreational and commercial fishing interests along the central coast. It consists of 29 MPAs covering an area of approximately 171 square miles, which represents approximately 14.9 percent of state waters within the central coast region (Table 2). Of this, over one third of the area is within no-take state marine reserves covering approximately 60 square miles or approximately 5.2 percent of state waters within the central coast region (Figure 3). The Department clarified certain proposed regulations for specific MPAs with the Package 1 proponents and included these in the proposed regulations.

Table 2. Alternative 1 proposal for marine protected areas in the central coast, including proposed allowed take and Science Advisory Team (SAT) assigned level of protection. Areas arranged geographically from north to south.

MPA Name	Proposed Allowed Take	SAT level of protection¹
Año Nuevo SMR	No-Take	SMR
Greyhound Rock SMCA	Recreational and commercial take of pelagic finfish ² , squid, Dungeness crab, and salmon. Salmon may not be taken shallower than 25 fathoms.	SMCA Moderate
Greyhound Rock SMR	No-Take	SMR
Elkhorn Slough SMR	No-Take	SMR
Moro Cojo Estuary SMR	No-Take	SMR
Monterey Submarine Canyon No Bottom Contact SMCA	Pelagic finfish ² and squid	SMCA high
Ed Ricketts SMCA	Recreational finfish by hook and line, and commercial take of kelp by hand north of 36° 36.83' North Latitude.	SMCA low
Hopkins SMR	No-Take	SMR
Pacific Grove-Monterey SMCA	Recreational finfish, Dungeness crab, and squid. Commercial Dungeness crab, pelagic finfish ² , squid, and kelp.	SMCA low
Carmel Pinnacles SMR	No-Take	SMR
Carmel Bay SMCA	Recreational finfish and commercial kelp and squid	SMCA low
Point Lobos SMR	No-Take	SMR
Point Lobos SMCA	Recreational and commercial salmon and commercial spot prawns	SMCA moderate
Point Sur Deep Reef SMCA	Pelagic finfish ²	SMCA high
Julia Pfeiffer Burns Offshore SMR	No-Take	SMR
Julia Pfeiffer Burns SMR	No-Take	SMR
Julia Pfeiffer Burns Offshore SMCA	Recreational and commercial salmon and commercial spot prawn	SMCA moderate
Big Creek SMR	No-Take	SMR
Alder Creek SMR	No-Take	SMR
Alder Creek SMCA	Pelagic finfish ²	SMCA high
Point Piedras Blancas SMR	No-Take	SMR
Cambria SMCA (SMP) ³	All recreational take	SMP low
Morro Bay Harbor SMCA	Recreational take, commercial bait fish receiving, and commercial aquaculture by permit.	SMCA low
Morro Bay South SMRMA	No-Take except recreational hunting of waterfowl unless otherwise prohibited	SMR
Point Buchon SMR	No-Take	SMR
Point Buchon SMCA	Recreational and commercial salmon	SMCA high
Diablo Canyon Security Zone SMCA	No-Take	SMCA high
Vandenberg SMR	No-Take	SMR
Vandenberg Danger Zone 4 SMCA	Recreational and commercial salmon and crabs	SMCA moderate

¹ In order to analyze the differences between no-take reserves and limited take conservation areas and

parks, the Science Advisory Team developed a protection level ranking described in the Master Plan.

² Pelagic Finfish are defined as: northern anchovy (*Engraulis mordax*), barracudas (*Sphyraena spp.*), billfishes* (family Istiophoridae), dolphinfish (*Coryphaena hippurus*), Pacific herring (*Clupea pallasii*), jack mackerel (*Trachurus symmetricus*), Pacific mackerel (*Scomber japonicus*), salmon (*Oncorhynchus spp.*), Pacific sardine (*Sardinops sagax*), blue shark (*Prionace glauca*), salmon shark (*Lamna ditropis*), shortfin mako shark (*Isurus oxyrinchus*), thresher sharks (*Alopias spp.*), swordfish (*Xiphias gladius*), tunas (family Scombridae), and yellowtail (*Seriola lalandi*). *Marlin is not allowed for commercial take.

³ These areas will initially be designated as state marine conservation areas, though their regulations allow later change to state marine parks by the State Park and Recreation Commission.

Alternative 2 – This is the CCRSG Package 2R, developed primarily by constituents representing nonconsumptive interests along the central coast, and modified slightly by the Blue Ribbon Task Force. It consists of 30 MPAs covering an area of approximately 221 square miles, which represents approximately 19.3 percent of state waters within the central coast region (Table 3). Of this, more than two thirds of the area is within no-take state marine reserves covering approximately 148 square miles or approximately 12.8 percent of state waters within the central coast region (Figure 3). The Department clarified certain proposed regulations for specific MPAs with the Package 2R proponents and included these in the proposed regulations.

Table 3. Alternative 2 proposal for marine protected areas in the central coast, including proposed allowed take and Science Advisory Team (SAT) assigned level of protection. Areas arranged geographically from north to south.

MPA Name	Proposed Allowed Take	SAT level of protection ¹
Año Nuevo SMR	No-Take	SMR
Baldwin to Natural Bridges SMR	No-Take	SMR
Elkhorn Slough SMR	No-Take	SMR
Moro Cojo Estuary SMR	No-Take	SMR
Soquel Canyon SMCA	Salmon and albacore	SMCA high
Portuguese Ledge SMR	No-Take	SMR
Edward C. Cooper SMR	No-Take	SMR
Ed Ricketts SMCA	November 1 through the end of February, the commercial take of kelp north of 36° 36.83' N. lat. by hand only. Not more than 15 tons of kelp may be harvested from the portion of Administrative Kelp Bed 220 within the Ed Ricketts State Marine Conservation Area in the open time period.	SMCA moderate
Hopkins SMR	No-Take	SMR
Pacific Grove SMCA	Finfish may be taken recreationally in the area between the seaward extension of Esplanade Street and boundary of the Hopkins State Marine Reserve by hook and line or spear. Take is prohibited by use of poke-pole gear. Take is prohibited for any competition involving two or more persons in which persons are ranked, or winners are determined, based on size, weight, number of species, type of species, or number of fish taken by means of spearfishing. Commercial take prohibited except kelp	SMCA low

MPA Name	Proposed Allowed Take	SAT level of protection¹
	harvesting allowed by hand harvest with restrictions to limit take approximately to existing levels.	
Asilomar SMR	No-Take	SMR
Carmel Pinnacles SMR	No-Take	SMR
Carmel Bay SMCA	Recreational finfish by hook and line or spear except poke-pole gear is prohibited. Take is prohibited for any competition involving two or more persons in which persons are ranked, or winners are determined, based on size, weight, number of species, type of species, or number of fish taken by means of spearfishing. Commercial take of kelp by hand.	SMCA low
Point Lobos SMR	No-Take	SMR
Point Lobos SMCA	Recreational and commercial salmon, albacore, and commercial spot prawn	SMCA moderate
Point Sur SMR	No-Take	SMR
Julia Pfeiffer Burns SMR	No-Take	SMR
Big Creek SMCA	Recreational and commercial salmon, albacore, and commercial spot prawn deeper than 50 fathoms	SMCA moderate
Big Creek SMR	No-Take	SMR
Piedras Blancas SMR	No-Take	SMR
Cambria SMCA (SMP) ²	All recreational take	SMP low
Ken Norris SMR	No-Take	SMR
Estero Bluff SMR	No-Take	SMR
Morro Bay SMCA	Recreational take and commercial receiving of finfish for bait and permitted aquaculture of oysters.	SMCA low
Morro Bay SMRMA	No-Take. Waterfowl hunting under DFG regulations is allowed.	SMCA high
Morro Bay East SMR	No-Take	SMR
Point Buchon SMR	No-Take	SMR
Point Buchon SMCA	Recreational and commercial salmon and albacore	SMCA high
Purisima Point SMR	No-Take	SMR
Point Arguello SMR	No-Take	SMR

¹ In order to analyze the differences between no-take reserves and limited take conservation areas and parks, the Science Advisory Team developed a protection level ranking described in the Master Plan.

² These areas will initially be designated as state marine conservation areas, though their regulations allow later change to state marine parks by the State Park and Recreation Commission.

Regulatory Language

Subsections 165(a) and 165(d) through 165(f) remain unchanged. Subsections 165(b) and 165(c), Title 14, CCR are amended to read:

§165 Harvesting of Kelp and Other Aquatic Plants.

...

(b) General Harvesting Provisions.

(1) Weighing of Kelp. A kelp harvester shall determine the weight of harvested kelp or other aquatic plants upon landing or delivery to the harvester's place of business. The harvester may determine the weight of harvested kelp or other aquatic plants using either direct weighing or a volume conversion that has been approved by the department. If the weight is determined by a public certified or licensed weighmaster, the harvester shall obtain a receipt and maintain the receipt in the landing record required under subsection (b)(3) below.

(2) Harvesting Records. Every person harvesting kelp and other aquatic plants and licensed pursuant to section 6650 of the Fish and Game Code shall keep a book or books recording the following:

(A) Category of plants harvested as defined in Section 165(c), (d) and (e).

(B) The wet weight of harvested kelp or other aquatic plants recorded in pounds or tons (1 ton = 2000 pounds).

(C) Name and address of the person or firm to whom the plants are sold, unless utilized by the harvester. The book(s) shall be open at all times for inspection by the department.

(3) Landing Records. Records of landing shall be prepared by all harvesters licensed pursuant to Section 6650 of the Fish and Game Code. Records of landing shall be made in triplicate using forms FG 113 (Rev. 1/97, see Appendix A) and FG 114 (~~Rev. 1/97~~)(Rev. 1/07, see Appendix A). The landing records shall show:

(A) The wet weight of all aquatic plants harvested in units as defined in subsection (b)(2)(B) above.

(B) Name of harvester.

(C) Department of Fish and Game kelp harvester number.

(D) Dates of landing and report period.

(E) Kelp bed number and, if applicable, harvest control area or marine protected area where plants were harvested.

(F) A duplicate copy of the landing record shall be kept by a kelp harvester for a period of one year and shall be available for inspection at any time within that period by the department. A kelp harvester who harvests kelp from a harvest control area established under subsection (c)(4)(E) below or from a marine protected area established under subsection 632(b) shall maintain a copy of the landing record on board the harvest vessel for all harvesting conducted during that harvest control period. The original and one copy of the record shall be delivered to the department at the address indicated within 10 days after the close of each month, with the specified royalty required for all kelp and other aquatic plants harvested. Failure to submit the required landing record and royalty fees within the prescribed time limit are grounds for revocation of the harvester's license.

- (4) No eel grass (*Zostera*) or surf grass (*Phyllospadix*) may be cut or disturbed.
- (5) No kelp or other aquatic plant may be harvested in a state marine reserve or state marine park as per subsection 632(a). Commercial harvest of kelp or other aquatic plants may be limited in state marine conservation areas as per subsection 632(b).
- (6) It is unlawful to cause or permit waste of any kelp or other aquatic plants taken in the waters of this state or to take, receive or agree to receive more kelp or other aquatic plants than can be used without waste or spoilage.
- (c) Harvesting of *Macrocystis* and *Nereocystis* (giant and bull kelp). In this subsection, kelp means both giant and bull kelp.
- (1) A kelp harvester may harvest kelp by cutting and removing portions of attached kelp or by collecting unattached kelp.
- (2) A kelp harvester may not cut attached kelp at a depth greater than four feet below the surface of the water at the time of cutting.
- (3) No kelp received aboard a harvesting vessel shall be allowed to escape from the vessel or be deposited into the waters of this state.
- (4) If, at any time, the commission finds that the harvesting of kelp will tend to destroy or impair any kelp bed or beds, or parts thereof, or tend to impair or destroy the supply of food for fish or marine mammals, the commission may limit or prohibit the harvest of kelp within a bed or portion of a bed for any length of time.
- (A) In beds north of Point Montara, *Nereocystis* (bull kelp) may only be taken by hand harvesting. No mechanical harvesters of any kind are allowed.
- (B) Between April 1 and July 31, a kelp harvester may not harvest bull kelp from a nonleased kelp bed that lies partially or totally within the boundary of the Monterey Bay National Marine Sanctuary extending from Santa Rosa Creek, San Luis Obispo County, northward to Rocky Point, Marin County. This subsection does not preclude the removal of bull kelp from beaches within the Monterey Bay National Marine Sanctuary during the seasonal closure.
- (C) Prior commission approval of a kelp harvest plan is necessary before a kelp harvester may use a mechanical harvester to harvest giant kelp in a nonleased kelp bed north of Santa Rosa Creek, San Luis Obispo County. For approval of a kelp harvest plan, a harvester must identify how a mechanical harvester will be used while avoiding: 1) repetitive harvest from individual giant kelp plants; 2) harvest of bull kelp from those portions of kelp beds that contain both giant kelp and bull kelp; and 3) harvest giant kelp near sea otter rafting sites used by female sea otters with dependent pups.
- (D) A kelp harvester may not harvest kelp in that portion of kelp bed 220 in Monterey County that lies ~~between in the area bounded by the mean high tide line, a line extending due north from the tip of the Monterey breakwater and a line created by a seaward extension running 40° magnetic north from the northern-most portion of the unnamed point that lies seaward of the Chart House restaurant, approximately 3000 feet northwest of the tip of the Monterey breakwater~~ latitude 36° 36.83 N.
- (E) With a finding as determined in subsection (c)(4) above, the commission may designate, through emergency regulation, a nonleased kelp bed or portion of a bed as a harvest control area for a specified period of time. The commission shall set a cumulative harvest tonnage limit for each kelp harvester that may not be exceeded while harvesting within the control area during any consecutive 7-day period. The department shall maintain a list of active harvest control areas, their effective time

period, and their cumulative harvest tonnage limit on its web page (www.dfg.ca.gov). The same information may be obtained by contacting the Marine Region office at 20 Lower Ragsdale Drive, Suite 100, Monterey, CA 93940.

(5) A kelp harvester may not harvest kelp from the following kelp beds:

Bed. No.	Square Miles
10	0.00
15	0.04
22	0.05
24	0.05
203	0.00
224	0.06
206	0.04
225	0.00
226	0.00
301	0.00
302	0.00
303	1.33
304	0.89
305	1.11
306	1.03
307	0.93
310	0.00
311	0.00
Total	5.53

(6) Only a lessee authorized by the commission may harvest kelp from the following beds:

Bed. No.	Square Miles
308	0.20
309	0.14
312	0.20
Total	0.54

(7) In addition to the license fee, a kelp harvester shall pay a royalty of \$1.71 for each ton (2,000 pounds) of wet kelp harvested from a nonleased bed.

...

Note: Authority cited: Sections 6653 and 6653.5, Fish and Game Code. Reference: Sections 6650-6680, Fish and Game Code.

Subsections 165(d) through 165(f) remain unchanged.

Section 632, Title 14, CCR is amended to read:

§632. Marine Protected Areas (MPAs), Marine Managed Areas (MMAs), and Special Closures.

The areas specified in this section have been declared by the commission to be marine protected areas, marine managed areas, or special closures. Public use of marine protected areas, marine managed areas, or special closures shall be compatible with the primary purposes of such areas, ~~and~~ MPAs, MMAs, and special closures are subject to the following ~~applicable general rules and regulations in addition to existing Fish and Game Code statutes and regulations of the commission~~, except as otherwise provided for in subsection 632(b), areas and special regulations for use. Nothing in this section expressly or implicitly precludes, restricts or requires modification of current or future uses of the waters identified as marine protected areas, special closures, or the lands or waters adjacent to these designated areas by the Department of Defense, its allies or agents.

(a) General Rules and Regulations:

(1) Protection of Resources.

(A) State Marine Reserves: In a state marine reserve, it is unlawful to injure, damage, take, or possess any living, geological, or cultural marine resource, except under a scientific collecting permit issued pursuant to Section 650 or specific authorization from the commission for research, restoration, or monitoring purposes.

(B) State Marine Parks: In a state marine park, it is unlawful to injure, damage, take, or possess any living or nonliving marine resource for commercial ~~exploitation~~ purposes. Any human use that would compromise protection of the species of interest, natural community or habitat, or geological, cultural, or recreational features, may be restricted by the commission as specified in subsection 632(b), areas and special regulations for use. The commission may ~~permit~~ issue scientific collecting permits pursuant to Section 650 or specifically authorize research, monitoring, and educational activities and certain recreational harvest in a manner consistent with protecting resource values.

(C) State Marine Conservation Areas: In a state marine conservation area, it is unlawful to injure, damage, take, or possess any living, geological, or cultural marine resource for commercial or recreational purposes, or a combination of commercial and recreational purposes except as specified in subsection 632(b), areas and special regulations for use. The commission may ~~permit~~ issue scientific collecting permits pursuant to Section 650 or specifically authorize research, education, and recreational activities, and certain commercial and recreational harvest of marine resources, provided that these uses do not compromise protection of the species of interest, natural community, habitat, or geological features.

(D) State Marine Recreational Management Areas: In a state marine recreational management area, it is unlawful to perform any activity that would compromise the recreational values for which the area may be designated. Recreational opportunities may be protected, enhanced, or restricted, while preserving basic resource values of the area. No other use is restricted unless specified in subsection 632(b), areas and special regulations for use.

(2) Finfish. Finfish, for the purpose of this section, are defined as any species of bony fish or cartilaginous fish (sharks, skates and rays). Finfish do not include amphibians,

invertebrates, plants or algae. The definition of finfish provided in Section 159 does not apply to this Section.

~~(2)~~(3) Pelagic Finfish. Pelagic finfish, for the purpose of this section, are a subset of finfish defined as: northern anchovy (*Engraulis mordax*), barracudas (*Sphyraena spp.*), billfishes* (family Istiophoridae), dolphinfish (*Coryphaena hippurus*), Pacific herring (*Clupea pallasii*), jack mackerel (*Trachurus symmetricus*), Pacific mackerel (*Scomber japonicus*), salmon (*Oncorhynchus spp.*), Pacific sardine (*Sardinops sagax*), blue shark (*Prionace glauca*), salmon shark (*Lamna ditropis*), shortfin mako shark (*Isurus oxyrinchus*), thresher sharks (*Alopias spp.*), swordfish (*Xiphias gladius*), tunas (family Scombridae), and yellowtail (*Seriola lalandi*). *Marlin is not allowed for commercial take.

~~(3)~~(4) Access. Access into marine protected areas or marine managed areas for non-consumptive uses including but not limited to swimming, surfing, diving, boating, hiking and walking is allowed unless otherwise specified in subsection 632(b), areas and special regulations for use.

~~(4)~~ Ejection. ~~Employees of the department may eject any person from a marine protected area for violation of any of these rules or regulations or for any reason when it appears that the general safety or welfare of the marine protected area, its associated flora and fauna, or persons thereon is endangered.~~

(5) Introduction of Species. Unless authorized by the commission or as a result of authorized fishing activities, the release of any fish or wildlife species, including domestic or domesticated species, or the introduction of any plant species, is prohibited. The department may reintroduce endemic species to marine protected areas or marine managed areas for management purposes.

(6) Feeding of Fish and Wildlife. The feeding of fish and wildlife is prohibited except permitted scientific collection pursuant to Section 650 or as a result of authorized fishing within state marine conservation areas, state marine parks, and state marine recreational management areas.

(7) Anchoring. Vessels shall be allowed to anchor in any marine protected area or marine managed area with catch onboard unless otherwise specified in subsection 632(b), areas and special regulations for use. Fishing gear shall ~~be stowed and not in use~~ not be deployed in the water while anchored in a state marine reserve. Fishing gear, except legal fishing gear used to take species identified as allowed for take in subsection 632(b), shall ~~be stowed and not in use~~ not be deployed in the water while anchored in a state marine recreational management area, state marine park or state marine conservation area. Anchoring regulations shall be consistent with federal law and allowances made for anchoring required by emergency or severe weather.

(8) Transit or Drifting. Vessels shall be allowed to transit through marine protected areas and marine managed areas with catch onboard. Fishing gear shall ~~be stowed and not in use~~ not be deployed in the water while transiting through a state marine reserve. Fishing gear, except legal fishing gear used to take species identified as allowed for take in subsection 632(b), shall ~~be stowed and not in use~~ not be deployed in the water while transiting through a state marine recreational management area, state marine park or state marine conservation area.

(b) Areas and Special Regulations for Use. Pursuant to the commission's authority in Fish and Game Code Section 2860 to regulate commercial and recreational fishing and any other taking of marine species in MPAs, Fish and Game Code Sections 10500(f),

10500(g), 10502.5, 10502.6, 10502.7, 10502.8, 10655, 10655.5, 10656, 10657, 10657.5, 10658, 10660, 10661, 10664, 10666, 10667, 10711, 10801, 10900, 10901, 10902, 10903, 10904, 10905, 10906, 10907, 10908, 10909, 10910, 10911, 10912, 10913, and 10932 are made inoperative as they apply to Subsection 632(b). All geographic coordinates listed use the North American Datum 1983 (NAD83) reference datum:

(1) Punta Gorda State Marine Reserve.

(A) This area is bounded by the three-fathom inshore depth contour, the 30-fathom depth contour and the following points:

40° 16.43' N. lat. 124° 22.00' W. long.;

40° 16.43' N. lat. 124° 23.50' W. long.;

40° 14.83' N. lat. 124° 23.18' W. long.; and

40° 15.23' N. lat. 124° 21.62' W. long.

(B) Take of all living marine resources is prohibited.

~~(A)~~(C) Swimming. No person shall swim, wade, dive, or use any diving equipment within the Punta Gorda State Marine Reserve except as authorized pursuant to scientific research approved by the department.

~~(B)~~(D) Boating. Except as allowed pursuant to Federal law, no person shall launch or operate a boat or other floating device within the Punta Gorda State Marine Reserve except to pass through the area during the normal course of vessel transit along the coast, to avoid inclement weather, or pursuant to scientific research approved by the department.

~~(C)~~(E) Firearms. No person shall possess, fire, or discharge any firearm, bow and arrow, air or gas gun, spear gun, or any other weapon of any kind within, or into the Punta Gorda State Marine Reserve except as authorized pursuant to scientific research approved by the department.

~~(D)~~(F) Public Entry. Public entry into the Punta Gorda State Marine Reserve may be restricted at the discretion of the department to protect wildlife, aquatic life, or habitat. No person, except state and local law enforcement officers, fire suppression agencies and employees of the department in the performance of their official duties or persons possessing written permission from the department, or institution or agency entering into a memorandum of understanding (MOU) with the department, may enter an area which is closed to public entry.

~~(E)~~(G) Pesticides, Herbicides, and Other Regulated Chemicals. The use of pesticides, herbicides, and other regulated chemicals is prohibited in the Punta Gorda State Marine Reserve except as authorized pursuant to scientific research approved by the department. Where such chemicals are intended to be used as a part of any research program, any necessary authorization and/or permits required to dispense such chemicals into state waters or tide and submerged lands shall be obtained prior to final approval of the research by the department.

~~(F)~~(H) Litter. No person shall deposit, drop, or scatter any debris on the Punta Gorda State Marine Reserve. Any refuse resulting from a person's use of an area must be removed from that area by such person.

~~(G)~~(I) Aircraft. No person shall operate any aircraft or hovercraft within the Punta Gorda State Marine Reserve, except as authorized pursuant to scientific research approved by the department.

(H)(J) Pets. Pets, including but not limited to, dogs and cats, are prohibited from entering the Punta Gorda State Marine Reserve unless authorized by the department.

(H)(K) Memorandum of Understanding (MOU). The department may enter into MOU's with colleges, universities, and other bonafide research organizations to conduct marine-related research within the Punta Gorda State Marine Reserve.

(J)(L) Scientific research conducted within the Punta Gorda State Marine Reserve shall not interfere with access by land to coastal trails along the shoreline adjacent to the reserve.

(2) MacKerricher State Marine Conservation Area.

(A) This area is bounded by the mean high tide line, the 3-fathom depth contour and the following points:

39° 29.81' N. lat. 123° 47.50' W. long.;

39° 29.95' N. lat. 123° 47.80' W. long.;

39° 27.62' N. lat. 123° 48.80' W. long.; and

39° 27.55' N. lat. 123° 48.52' W. long.

(A)(B) Take of all living marine resources is prohibited except:

1. Only the following species may be taken recreationally: finfish, red abalone, chiones, clams, cockles, rock scallops, native oysters, crabs, ~~lobsters~~lobster, ghost shrimp, sea urchins, mussels and marine worms except that no worms may be taken in any mussel bed unless taken incidentally to the take of mussels.

2. Only the following species may be taken commercially: finfish, crabs, ghost shrimp, jackknife clams, sea urchins, squid, algae except giant kelp and bull kelp, and worms except that no worms may be taken in any mussel bed, nor may any person pick up, remove, detach from the substrate any other organisms, or break up, move or destroy any rocks or other substrate or surfaces to which organisms are attached.

(3) Point Cabrillo State Marine Conservation Area.

(A) This area is bounded by the mean high tide line, a distance of 1000 feet ~~offshore~~seaward of mean lower low water, and the following points:

39° 21.24' N. lat. 123° 49.25' W. long.;

39° 21.33' N. lat. 123° 49.64' W. long.;

39° 20.66' N. lat. 123° 49.68' W. long.; and

39° 20.57' N. lat. 123° 49.27' W. long.

(A)(B) Take of all living marine resources is prohibited except the commercial take of finfish and marine aquatic plants.

(4) Russian Gulch State Marine Conservation Area.

(A) This area is bounded by the mean high tide line, the 3-fathom depth contour and the following points:

39° 19.86' N. lat. 123° 48.84' W. long.;

39° 19.85' N. lat. 123° 48.89' W. long.;

39° 19.52' N. lat. 123° 48.46' W. long.; and

39° 19.52' N. lat. 123° 48.23' W. long.

(A)(B) Take of all living marine resources is prohibited except:

1. Only the following species may be taken recreationally: finfish, red abalone, chiones, clams, cockles, rock scallops, native oysters, crabs, ~~lobsters~~lobster, ghost shrimp, sea urchins, mussels and marine worms except that no worms may be taken in any mussel bed unless taken incidentally to the take of mussels.

2. Only the following species may be taken commercially: finfish, crabs, ghost shrimp, jackknife clams, sea urchins, algae except giant kelp and bull kelp and worms except that no worms may be taken in any mussel bed, nor may any person pick up, remove, detach from the substrate any other organisms, or break up, move or destroy any rocks or other substrate or surfaces to which organisms are attached.

(5) Van Damme State Marine Conservation Area.

(A) This area is bounded by the mean high tide line, the 3-fathom depth contour and the following points:

39° 16.45' N. lat. 123° 47.60' W. long.;

39° 16.355' N. lat. 123° 47.60' W. long.;

39° 16.27' N. lat. 123° 47.545' W. long.; and

39° 16.27' N. lat. 123° 47.43' W. long.

(A)(B) Take of all living marine resources is prohibited except:

1. Only the following species may be taken recreationally: finfish, red abalone, chiones, clams, cockles, rock scallops, native oysters, crabs, ~~lobsters~~lobster, ghost shrimp, sea urchins, mussels and marine worms except that no worms may be taken in any mussel bed unless taken incidentally to the take of mussels.

2. Only the following species may be taken commercially: finfish, crabs, ghost shrimp, jackknife clams, sea urchins, algae except giant kelp and bull kelp and worms except that no worms may be taken in any mussel bed, nor may any person pick up, remove, detach from the substrate any other organisms, or break up, move or destroy any rocks or other substrate or surfaces to which organisms are attached.

(6) Manchester and Arena Rock State Marine Conservation Area.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

39° 00.30' N. lat. 123° 41.90' W. long.;

39° 00.30' N. lat. 123° 44.40' W. long.;

38° 58.30' N. lat. 123° 45.60' W. long.; and

38° 57.50' N. lat. 123° 43.70' W. long.

(A)(B) Take of all living marine resources is prohibited except:

1. Only the following species may be taken recreationally: finfish, red abalone, chiones, clams, cockles, rock scallops, native oysters, crabs, ~~lobsters~~lobster, ghost shrimp, sea urchins, mussels and marine worms except that no worms may be taken in any mussel bed unless taken incidentally to the take of mussels.

2. Only the following species may be taken commercially: finfish, crabs, ghost shrimp, jackknife clams, sea urchins, algae except giant kelp and bull kelp and worms except that no worms may be taken in any mussel bed, nor may any person pick up, remove, detach from the substrate any other organisms, or break up, move or destroy any rocks or other substrate or surfaces to which organisms are attached.

(7) Del Mar Landing State Marine Park.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

38° 44.44' N. lat. 123° 30.81' W. long.;

38° 44.32' N. lat. 123° 30.95' W. long.;

38° 44.25' N. lat. 123° 30.64' W. long.;

38° 44.28' N. lat. 123° 30.49' W. long.; and

38° 44.40' N. lat. 123° 30.37' W. long.

~~(A)~~(B) Take of all living marine resources is prohibited except the recreational take of finfish by hook and line or spear.

(8) Salt Point State Marine Conservation Area.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

38° 35.18' N. lat. 123° 20.49' W. long.;

38° 34.40' N. lat. 123° 21.35' W. long.;

38° 33.05' N. lat. 123° 19.58' W. long.; and

38° 33.55' N. lat. 123° 18.99' W. long.

~~(A)~~(B) Take of all living marine resources is prohibited except:

1. Only the following species may be taken recreationally: finfish, red abalone, chiones, clams, cockles, rock scallops, native oysters, crabs, ghost shrimp, sea urchins, mussels and marine worms except that no worms may be taken in any mussel bed unless taken incidentally to the take of mussels.

2. Only the following species may be taken commercially: finfish, crabs, ghost shrimp, jackknife clams, sea urchins, algae except giant kelp and bull kelp and worms except that no worms may be taken in any mussel bed, nor may any person pick up, remove, detach from the substrate any other organisms, or break up, move or destroy any rocks or other substrate or surfaces to which organisms are attached.

(9) Gerstle Cove State Marine Conservation Area.

(A) This area lies within the Salt Point State Marine Conservation Area and is bounded by the mean high tide line and a straight line connecting the following points:

38° 33.93' N. lat. 123° 19.85' W. long.; and

38° 33.93' N. lat. 123° 19.65' W. long.

~~(A)~~(B) Take of all living marine resources is prohibited except the commercial take of finfish and algae except giant kelp and bull kelp.

(10) Fort Ross State Marine Conservation Area.

(A) This area is bounded by the mean high tide line, the 3-fathom depth contour, and the following points:

38° 30.71' N. lat. 123° 15.14' W. long.;

38° 30.57' N. lat. 123° 15.29' W. long.;

38° 30.35' N. lat. 123° 14.50' W. long.; and

38° 30.61' N. lat. 123° 14.16' W. long.

~~(A)~~(B) Take of all living marine resources is prohibited except:

1. Only the following species may be taken recreationally: ~~(A) No recreational take of living or non-living marine resources is allowed except:~~ finfish, red abalone, chiones, clams, cockles, rock scallops, native oysters, crabs, ~~lobsters~~lobster, ghost shrimp, sea urchins, mussels and marine worms except that no worms may be taken in any mussel bed unless taken incidentally to the take of mussels. ~~Commercial take of species other than giant kelp and bull kelp is allowed.~~

2. The commercial take of all species other than giant kelp (*Macrocystis pyrifera*) and bull kelp (*Nereocystis spp.*) is allowed.

(11) Sonoma Coast State Marine Conservation Area.

(A) This area is bounded by the mean high tide line, the 3-fathom depth contour, and the following points:

38° 22.55' N. lat. 123° 04.64' W. long.;
38° 22.54' N. lat. 123° 04.78' W. long.;
38° 19.50' N. lat. 123° 04.80' W. long.; and
38° 19.40' N. lat. 123° 04.70' W. long.

~~(A)~~(B) Take of all living marine resources is prohibited except:

1. Only the following species may be taken recreationally: ~~(A) No recreational take of living or non-living marine resources is allowed except:~~ finfish, red abalone, chiones, clams, cockles, rock scallops, native oysters, crabs, ~~lobsters~~lobster, ghost shrimp, sea urchins, mussels and marine worms except that no worms may be taken in any mussel bed unless taken incidentally to the take of mussels. ~~Commercial take of species other than giant kelp and bull kelp is allowed.~~

2. The commercial take of all species other than giant kelp (*Macrocystis pyrifera*) and bull kelp (*Nereocystis spp.*) is allowed.

(12) Bodega State Marine Reserve.

~~(A)~~ This area is bounded by the mean high tide line, a distance of 1000 feet ~~offshore~~seaward of mean lower low water, and the following points:

38° 19.38' N. lat. 123° 04.47' W. long.;
38° 19.57' N. lat. 123° 04.71' W. long.;
38° 18.56' N. lat. 123° 04.33' W. long.; and
38° 18.71' N. lat. 123° 04.15' W. long.

~~(B)~~ Take of all living marine resources is prohibited.

~~(A)~~(C) In the Bodega State Marine Reserve licensees of the Regents of the University of California and all officers, employees, and students of such university may take, for scientific purposes, any invertebrate or specimen of marine plant life without a permit from the department.

~~(B)~~(D) The director of the Bodega State Marine Reserve may authorize any person to enter the Reserve for the purpose of taking fish, invertebrates, or marine plants for scientific study and to take or possess fish, invertebrates, or marine plants for scientific study.

~~(C)~~(E) Except as permitted by federal law or emergency caused by hazardous weather, it is unlawful to anchor or moor a vessel in the Bodega State Marine Reserve without authorization from the reserve director for the purpose of scientific study.

(13) Tomales Bay State Marine Park.

~~(A)~~ This area is bounded by the mean high tide line of Tomales Bay within Tomales Bay Ecological Reserve southeastward of a line drawn between the following two points:

38° 05.73' N. lat. 122° 49.84' W. long.; and
38° 05.45' N. lat. 122° 50.57' W. long.

~~(A)~~(B) Take of all living marine resources is prohibited except the recreational hook and line take of species other than marine aquatic plants.

~~(B)~~(C) Only lightweight, hand-carried boats may be launched or operated within the park.

~~(C)~~(D) Waterfowl may be taken in accordance with the general waterfowl regulations (Sections 502, 550, 551, and 552).

(14) Point Reyes Headlands State Marine Conservation Area.

~~(A)~~ This area is bounded by the mean high tide line, a distance of 1000 feet ~~offshore~~seaward of mean lower low water, and the following points:

37° 59.73' N. lat. 123° 01.46' W. long.;
37° 59.73' N. lat. 123° 01.68' W. long.;
37° 59.40' N. lat. 122° 57.60' W. long.; and
37° 59.40' N. lat. 122° 57.81' W. long.

(A)(B) Take of all living marine resources is prohibited except the commercial take of finfish and algae other than giant kelp (*Macrocystis pyrifera*) and bull kelp (*Nereocystis spp.*).

(15) Estero de Limantour State Marine Conservation Area.

(A) This area consists of waters below the mean high tide line within Estero de Limantour eastward of a line drawn between the following two points:

38° 01.97' N. lat. 122° 55.97' W. long.; and
38° 02.33' N. lat. 122° 55.97' W. long.

(A)(B) Take of all living marine resources is prohibited except the commercial take of finfish and algae other than giant kelp (*Macrocystis pyrifera*) and bull kelp (*Nereocystis spp.*).

(16) Duxbury Reef State Marine Conservation Area.

(A) This area is bounded by the mean high tide line, a distance of 1000 feet offshore seaward of mean lower low water, and the following points:

37° 55.52' N. lat. 122° 44.17' W. long.;
37° 55.42' N. lat. 122° 44.31' W. long.;
37° 53.65' N. lat. 122° 41.91' W. long.; and
37° 53.77' N. lat. 122° 42.02' W. long.

(A)(B) Take of all living marine resources is prohibited except:

1. Only the following species may be taken recreationally: Red abalone, ~~dungeness crabs~~ Dungeness crab, rock crabs, rockfish (family Scorpaenidae), lingcod, cabezon, surfperch (family Embiotocidae), halibut, flounder, sole, turbot, salmon, kelp greenling, striped bass, steelhead, monkeyface-eel, wolf-eel, smelt, and silversides. ~~Commercial take of species other than giant kelp and bull kelp is allowed.~~

2. The commercial take of all species other than giant kelp (*Macrocystis pyrifera*) and bull kelp (*Nereocystis spp.*) is allowed.

(17) Farallon Islands State Marine Conservation Area.

(A) This area is bounded by the mean high tide line and a distance of ~~4~~ one nautical mile offshore Southeast Farallon and North Farallon Islands.

(A)(B) Take other than the recreational take of marine aquatic plants is ~~permitted~~ allowed except within the areas described in this section during the stated timeframes.

~~(B) Except as specifically prohibited under this section, boating, sport and commercial fishing, swimming, and skin and SCUBA diving are permitted within the ecological reserve, which extends one nautical mile from the coastline of Southeast Farallon and North Farallon Islands.~~

(C) All vessels shall observe a five (5) nautical mile per hour speed limit within 1,000 feet of any shoreline in the reserve.

(D) All commercial abalone and sea urchin diving vessels operating in the reserve shall terminate their vessel engine exhaust system either through a muffler for dry exhaust systems, or below the vessel waterline for wet exhaust systems.

(E) All commercial abalone and sea urchin diving vessels equipped with an open, deck-mounted air compressor system, while operating in the conservation area~~reserve~~, shall have the air compressor's engine exhaust system terminate below the vessel waterline.

(F) From March 15 through August 15 of each year no vessel shall be operated or anchored less than 300 feet from the shoreline of any of the four islets comprising the North Farallons, including North Farallon, the Island of St. James and the two unnamed islets located between them, in the vicinity of 37° 46' N. lat. 123° 06' W. long., except in the area beginning at a line extending due west magnetic from the northernmost point of land on North Farallon and continuing clockwise to a line drawn due west magnetic from the southernmost point of land on North Farallon and in the area beginning at a line drawn due west magnetic from the northernmost point of land on the northernmost of the two unnamed islets extending clockwise to a line drawn due south magnetic from the southernmost point of land on that islet.

(G) From March 15 through August 15 of each year no vessel shall be operated or anchored less than 300 feet from the shoreline in the area beginning at the south end of Jordan Channel, westward around Indian Head, then generally northward past Great Arch Rock, then generally following the shoreline to a line extending due west from the northernmost point of land on Sugarloaf Island or in the area from the east end of Mussel Flat, generally southward to the northeasternmost point of land on Saddle Rock (Seal Rock) then generally southwest along the northerly shoreline of Saddle Rock to the southwesternmost point of land on Saddle Rock and continuing generally northward to the west end of Mussel Flat, both areas at Southeast Farallon Island.

(H) Nothing in this section shall prohibit emergency anchorage or vessel operation necessary to protect property or human life.

(18) Fagan Marsh State Marine Park.

(A) This area consists of waters below the mean high tide line within the Fagan Marsh Ecological Reserve.

~~(A)~~(B) Take of all living marine resources is prohibited except the recreational hook and line take of species other than marine aquatic plants.

~~(B)~~(C) Only lightweight, hand-carried boats may be launched or operated within the park.

(19) Peytonia Slough State Marine Park.

(A) This area consists of waters below the mean high tide line within the Peytonia Slough Ecological Reserve.

~~(A)~~(B) Take of all living marine resources is prohibited except the recreational hook and line take of species other than marine aquatic plants.

~~(B)~~(C) Only lightweight, hand-carried boats may be launched or operated within the park.

(20) Corte Madera Marsh State Marine Park.

(A) This area consists of waters below the mean high tide line within the Corte Madera Marsh Ecological Reserve.

~~(A)~~(B) Take of all living marine resources is prohibited except the recreational hook and line take of species other than marine aquatic plants from shore only.

~~(B)~~(C) Only lightweight, hand-carried boats may be launched or operated within the park.

~~(C)~~(D) Swimming, wading, and diving are prohibited within the park.

(21) Marin Islands State Marine Park.

(A) This area consists of waters below the mean high tide line within the Marin Islands Ecological Reserve.

~~(A)~~(B) Take of all living marine resources is prohibited except the recreational hook and line take of species other than marine aquatic plants from shore only.

~~(B)~~(C) Boating, swimming, wading, and diving are prohibited within the park.

(22) Albany Mudflats State Marine Park.

(A) This area consists of waters below the mean high tide line within the Albany Mudflats Ecological Reserve.

~~(A)~~(B) Take of all living marine resources is prohibited except the recreational hook and line take of species other than marine aquatic plants from shore only.

~~(B)~~(C) Boating, swimming, wading, and diving are prohibited within the park.

(23) Robert W. Crown State Marine Conservation Area.

(A) This area is bounded by the mean high tide line and a distance of 150 feet offshore seaward of mean lower low water, between the following points:

37° 45.97' N. lat. 122° 16.84' W. long.; and

37° 45.95' N. lat. 122° 16.52' W. long.

~~(A)~~(B) Take of all living marine resources is prohibited except:

1. Finfish may be taken recreationally by hook and line only.

2. Finfish and kelp may be taken commercially.

(24) Redwood Shores State Marine Park.

(A) This area consists of waters below the mean high tide line within the Redwood Shores Ecological Reserve.

~~(A)~~(B) Take of all living marine resources is prohibited except the recreational hook and line take of species other than marine aquatic plants.

~~(B)~~(C) Only lightweight, hand-carried boats may be launched or operated in within the park.

(25) Bair Island State Marine Park.

(A) This area consists of waters below the mean high tide line within the Bair Island Ecological Reserve.

~~(A)~~(B) Take of all living marine resources is prohibited except the recreational hook and line take of species other than kelp from shore only.

~~(B)~~(C) Boating, swimming, wading, and diving are prohibited within the park.

~~(C)~~(D) No person, except state and local law enforcement officers, fire suppression agencies and employees of the department in the performance of their official duties or persons possessing written permission from the department, shall enter this park during the period February 15 through May 20.

~~(D)~~(E) Waterfowl may be taken in accordance with the general waterfowl regulations (Sections 502, 550, 551, and 552).

(26) James V. Fitzgerald State Marine Park.

(A) This area is bounded by the mean high tide line, a distance of 1000 feet offshore seaward of mean lower low water, and the following points:

37° 32.68' N. lat. 122° 31.00' W. long.;

37° 32.75' N. lat. 122° 31.18' W. long.;

37° 29.73' N. lat. 122° 30.13' W. long.; and

37° 29.74' N. lat. 122° 29.90' W. long.

~~(A)~~(B) Take of all living marine resources is prohibited except the recreational take by hook and line or spear of: rockfish (family Scorpaenidae), lingcod, surfperch (family Embiotocidae), monkeyface eel, rock eel, white croaker, halibut, cabezon, kelp greenling, and smelt (Families Osmeridae and Atherinidae).

Año Nuevo Option 1 - No-take state marine reserve designation (decision will add or remove the text below)

(27) Año Nuevo State Marine Reserve.

(A) This area is bounded by the mean high tide line and a distance of 200 feet seaward of mean lower low water between the following two points:

37° 10.00' N. lat. 122° 21.90' W. long.; and

37° 08.70' N. lat. 122° 21.00' W. long.

The area then continues southward bounded by the mean high tide line and straight lines connecting the following points in the order listed:

37° 08.70' N. lat. 122° 21.00' W. long.;

37° 04.70' N. lat. 122° 21.00' W. long.; and

37° 04.70' N. lat. 122° 16.20' W. long.

(B) Take of all living marine resources is prohibited.

~~(27) Special Closure: Año Nuevo Invertebrate Area This area is bounded by the mean high tide line and the following points within the Año Nuevo State Reserve:~~

~~37° 09.87' N. lat. 122° 21.76' W. long.; and~~

~~37° 06.98' N. lat. 122° 18.37' W. long.~~

~~(A) No invertebrates shall be taken except:~~

~~1. Recreational take of invertebrates is allowed except between the high tide mark and 100 feet beyond the low tide mark between November 30 and April 30.~~

~~2. Commercial take of the following invertebrates is allowed: crabs, ghost shrimp, jackknife clams, sea urchins, squid, and worms, except that no worms may be taken in any mussel bed, nor may any person pick up, remove, detach from the substrate any other organisms, or break up remove or destroy any rocks or other substrate or surfaces to which organisms are attached.~~

Año Nuevo Option 2 - State marine conservation area designation allowing the take of giant kelp by hand (decision will add or remove the text below)

(27) Año Nuevo State Marine Conservation Area.

(A) This area is bounded by the mean high tide line and a distance of 200 feet seaward of mean lower low water between the following two points:

37° 10.00' N. lat. 122° 21.90' W. long.; and

37° 08.70' N. lat. 122° 21.00' W. long.

The area then continues southward bounded by the mean high tide line and straight lines connecting the following points in the order listed:

37° 08.70' N. lat. 122° 21.00' W. long.;

37° 04.70' N. lat. 122° 21.00' W. long.; and

37° 04.70' N. lat. 122° 16.20' W. long.

(B) Take of all living marine resources is prohibited except the commercial take of giant kelp (*Macrocystis pyrifera*) by hand harvest only.

~~(27) Special Closure: Año Nuevo Invertebrate Area This area is bounded by the mean high tide line and the following points within the Año Nuevo State Reserve:~~

~~37° 09.87' N. lat. 122° 21.76' W. long.; and~~

37° 06.98' N. lat. 122° 18.37' W. long.

(A) No invertebrates shall be taken except:

1. Recreational take of invertebrates is allowed except between the high tide mark and 100 feet beyond the low tide mark between November 30 and April 30.

2. Commercial take of the following invertebrates is allowed: crabs, ghost shrimp, jackknife clams, sea urchins, squid, and worms, except that no worms may be taken in any mussel bed, nor may any person pick up, remove, detach from the substrate any other organisms, or break up remove or destroy any rocks or other substrate or surfaces to which organisms are attached.

(28) Greyhound Rock State Marine Conservation Area.

(A) This area is bounded by the mean high tide line, the three nautical mile offshore boundary and straight lines connecting the following points in the order listed except where noted:

37° 04.70' N. lat. 122° 16.20' W. long.;

37° 04.70' N. lat. 122° 21.00' W. long.;

37° 03.55' N. lat. 122° 21.00' W. long.; thence southward along the three nautical mile offshore boundary to

37° 02.57' N. lat. 122° 19.10' W. long.; and

37° 02.57' N. lat. 122° 14.00' W. long.

(B) Take of all living marine resources is prohibited except:

1. Only the following species may be taken recreationally: giant kelp (*Macrocystis pyrifera*) by hand harvest only, squid, salmon, and, by hook-and-line from shore only, other finfish.

2. Only the following species may be taken commercially: giant kelp (*Macrocystis pyrifera*) by hand harvest only, salmon, and squid except that not more than five percent (5%) by landed weight of any commercial squid catch may be other species taken incidentally to squid.

(29) Natural Bridges State Marine Reserve.

(A) This area is bounded by the mean high tide line and a distance of 200 feet seaward of mean lower low water between the following two points:

36° 57.90' N. lat. 122° 07.65' W. long.; and

36° 57.00' N. lat. 122° 03.50' W. long.

(B) Take of all living marine resources is prohibited.

(28)(30) Elkhorn Slough State Marine Reserve. This area is bounded by the mean high tide line and the 1.5 fathom depth contour within the Elkhorn Slough Ecological Reserve (National Estuarine Research Reserve)

(A) This area includes the waters below mean high tide within Elkhorn Slough lying east of longitude 121° 46.40' W. and south of latitude 36° 50.50' N.

(B) Take of all living marine resources is prohibited.

(A) A \$2.00 day use pass or a valid \$10.00 annual wildlife pass is required of all users of Elkhorn Slough Ecological Reserve except: users that possess a valid California sport fishing license, hunting license or trapping license; users that are under 16 years of age; or users that are part of an organized youth or school group and having free permits issued by the appropriate regional office. Refer to subsections 550(b)(4) and (5), Title 14, CCR, for regulations for fee requirements for wildlife areas.

(31) Elkhorn Slough State Marine Conservation Area.

(A) This area includes the waters below mean high tide within Elkhorn Slough east of the Highway 1 Bridge and west of longitude 121° 46.40' W.

(B) Take of all living marine resources is prohibited except:

1. Only the following species may be taken recreationally: finfish by hook-and-line only and clams. Clams may only be taken on the north shore of the slough in the area adjacent to the Moss Landing State Wildlife Area [subsection 550(a)].

(32) Moro Cojo Slough State Marine Reserve.

(A) This area includes the waters within Moro Cojo Slough below mean high tide and east of the Highway 1 Bridge and west of the crossing of the Southern Pacific Railroad tracks.

(B) Take of all living marine resources is prohibited.

(33) Soquel Canyon State Marine Conservation Area.

(A) This area is bounded by straight lines connecting the following points in the order listed:

36° 51.00' N. lat. 121° 56.00' W. long.;

36° 51.00' N. lat. 122° 03.80' W. long.;

36° 48.00' N. lat. 122° 02.88' W. long.;

36° 48.00' N. lat. 121° 56.00' W. long.; and

36° 51.00' N. lat. 121° 56.00' W. long.

Soquel Canyon SMCA Option 1 - Only take of pelagic finfish allowed (decision will add or remove the text below)

(B) Take of all living marine resources is prohibited except the commercial and recreational take of pelagic finfish [subsection 632(a)(3)].

Soquel Canyon SMCA Option 2 - Take of pelagic finfish and spot prawn allowed (decision will add or remove the text below)

(B) Take of all living marine resources is prohibited except the commercial and recreational take of pelagic finfish [subsection 632(a)(3)] and the commercial take of spot prawn.

(34) Portuguese Ledge State Marine Conservation Area.

(A) This area is bounded by straight lines connecting the following points in the order listed:

36° 43.00' N. lat. 121° 56.00' W. long.;

36° 43.00' N. lat. 122° 01.30' W. long.;

36° 41.00' N. lat. 122° 00.80' W. long.;

36° 41.00' N. lat. 121° 56.00' W. long.; and

36° 43.00' N. lat. 121° 56.00' W. long.

Portuguese Ledge SMCA Option 1 - Only take of pelagic finfish allowed (decision will add or remove the text below)

(B) Take of all living marine resources is prohibited except the commercial and recreational take of pelagic finfish [subsection 632(a)(3)].

Portuguese Ledge SMCA Option 2 - Take of pelagic finfish and spot prawn allowed (decision will add or remove the text below)

(B) Take of all living marine resources is prohibited except the commercial and recreational take of pelagic finfish [subsection 632(a)(3)] and the commercial take of spot prawn.

(35) Edward F. Ricketts State Marine Conservation Area.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

36° 36.50' N. lat. 121° 53.37' W. long.;

36° 37.25' N. lat. 121° 53.78' W. long.; and

36° 37.10' N. lat. 121° 54.09' W. long.

Edward F. Ricketts SMCA Option 1 - Recreational hook-and-line fishing allowed in entire MPA at all times (decision will add or remove the text below)

(B) Take of all living marine resources is prohibited except:

1. The recreational take of finfish by hook-and-line is allowed.

2. The commercial take of giant kelp (*Macrocystis pyrifera*) and bull kelp (*Nereocystis spp.*) is allowed by hand in the area defined by subsection 165(c)(4)(D) under the following conditions:

a. Any individual kelp harvester with a valid permit issued pursuant to Section 165 may take no more than 12 tons of kelp from the portion of Administrative Kelp Bed 220 within the Edward F. Ricketts State Marine Conservation Area in any calendar month.

b. Duplicate landing records must be kept on board the harvest vessel in accordance with the requirements of Section 165.

Edward F. Ricketts SMCA Option 2 - Recreational fishing from the Monterey breakwater allowed between Sunday evening at 6 p.m. and Friday evening at 6 p.m. only (decision will add or remove the text below)

(B) Take of all living marine resources is prohibited except:

1. The recreational take of finfish by hook-and-line is allowed in the Edward F. Ricketts State Marine Conservation Area at all times except from the Monterey breakwater. Hook-and-line fishing from the Monterey breakwater is only allowed between 6 p.m. Sunday and 6 p.m. Friday.

2. The commercial take of giant kelp (*Macrocystis pyrifera*) and bull kelp (*Nereocystis spp.*) is allowed by hand in the area defined by subsection 165(c)(4)(D) under the following conditions:

a. Any individual kelp harvester with a valid permit issued pursuant to Section 165 may take no more than 12 tons of kelp from the portion of Administrative Kelp Bed 220 within the Edward F. Ricketts State Marine Conservation Area in any calendar month.

b. Duplicate landing records must be kept on board the harvest vessel in accordance with the requirements of Section 165.

Edward F. Ricketts SMCA Option 2(a) - Recreational fishing from the Monterey breakwater allowed between Sunday evening at 6 p.m. and Friday evening at 6 p.m. only with allowance for disabled anglers (decision will add or remove text below)

(B) Take of all living marine resources is prohibited except:

1. The recreational take of finfish by hook-and-line is allowed in the Edward F. Ricketts State Marine Conservation Area at all times except from the Monterey breakwater. Hook-and-line fishing from the Monterey breakwater is only allowed between 6 p.m. Sunday and 6 p.m. Friday except persons who meet one or more of the criteria below may take finfish by hook-and-line from the breakwater at any time:

a. Any person with central visual acuity of 20/200 or less in the better eye, with the aid of the best possible correcting glasses, or central visual acuity better than 20/200 if the widest diameter of the remaining visual field is no greater than 20 degrees. Proof of

visual acuity shall be by certification from a qualified licensed optometrist or ophthalmologist.

b. Any developmentally disabled person. Proof of developmental disability shall be by presentation of certification of that disability from a qualified licensed physician or the director of a state regional center for the developmentally disabled.

c. Any person who is a resident of the state and who is so severely physically disabled as to be permanently unable to move from place to place without the aid of a wheelchair, walker, forearm crutches, or a comparable mobility-related device. Proof of the disability shall be by certification from a licensed physician or surgeon.

2. The commercial take of giant kelp (*Macrocystis pyrifera*) and bull kelp (*Nereocystis spp.*) is allowed by hand in the area defined by subsection 165(c)(4)(D) under the following conditions:

a. Any individual kelp harvester with a valid permit issued pursuant to Section 165 may take no more than 12 tons of kelp from the portion of Administrative Kelp Bed 220 within the Edward F. Ricketts State Marine Conservation Area in any calendar month.

b. Duplicate landing records must be kept on board the harvest vessel in accordance with the requirements of Section 165.

Edward F. Ricketts SMCA Option 3 - Recreational fishing in entire MPA between Sunday evening at 6 p.m. and Friday evening at 6 p.m. only (decision will add or remove the text below)

(B) Take of all living marine resources is prohibited except:

1. The recreational take of finfish by hook-and-line is allowed in the Edward F. Ricketts State Marine Conservation Area only between 6 p.m. Sunday and 6 p.m. Friday.

2. The commercial take of giant kelp (*Macrocystis pyrifera*) and bull kelp (*Nereocystis spp.*) is allowed by hand in the area defined by subsection 165(c)(4)(D) under the following conditions:

a. Any individual kelp harvester with a valid permit issued pursuant to Section 165 may take no more than 12 tons of kelp from the portion of Administrative Kelp Bed 220 within the Edward F. Ricketts State Marine Conservation Area in any calendar month.

b. Duplicate landing records must be kept on board the harvest vessel in accordance with the requirements of Section 165.

Edward F. Ricketts SMCA Option 4 - Recreational fishing from Monterey breakwater between Sunday morning at 6 a.m. and Friday evening at 6 p.m. only (decision will add or remove the text below)

(B) Take of all living marine resources is prohibited except:

1. The recreational take of finfish by hook-and-line is allowed in the Edward F. Ricketts State Marine Conservation Area at all times except from the Monterey breakwater.

Hook-and-line fishing from the Monterey breakwater is only allowed between 6 a.m. Sunday and 6 p.m. Friday.

2. The commercial take of giant kelp (*Macrocystis pyrifera*) and bull kelp (*Nereocystis spp.*) is allowed by hand in the area defined by subsection 165(c)(4)(D) under the following conditions:

a. Any individual kelp harvester with a valid permit issued pursuant to Section 165 may take no more than 12 tons of kelp from the portion of Administrative Kelp Bed 220 within the Edward F. Ricketts State Marine Conservation Area in any calendar month.

b. Duplicate landing records must be kept on board the harvest vessel in accordance with the requirements of Section 165.

Edward F. Ricketts SMCA Option 4(a) - Recreational fishing from Monterey breakwater on Sunday, weekdays, and Friday afternoon only with allowance for disabled anglers (decision will add or remove text below)

(B) Take of all living marine resources is prohibited except:

1. The recreational take of finfish by hook-and-line is allowed in the Edward F. Ricketts State Marine Conservation Area at all times except from the Monterey breakwater.

Hook-and-line fishing from the Monterey breakwater is only allowed between 6 a.m. Sunday and 6 p.m. Friday except persons who meet one or more of the criteria below may take finfish by hook-and-line from the breakwater at any time:

a. Any person with central visual acuity of 20/200 or less in the better eye, with the aid of the best possible correcting glasses, or central visual acuity better than 20/200 if the widest diameter of the remaining visual field is no greater than 20 degrees. Proof of visual acuity shall be by certification from a qualified licensed optometrist or ophthalmologist.

b. Any developmentally disabled person. Proof of developmental disability shall be by presentation of certification of that disability from a qualified licensed physician or the director of a state regional center for the developmentally disabled.

c. Any person who is a resident of the state and who is so severely physically disabled as to be permanently unable to move from place to place without the aid of a wheelchair, walker, forearm crutches, or a comparable mobility-related device. Proof of the disability shall be by certification from a licensed physician or surgeon.

2. The commercial take of giant kelp (*Macrocystis pyrifera*) and bull kelp (*Nereocystis spp.*) is allowed by hand in the area defined by subsection 165(c)(4)(D) under the following conditions:

a. Any individual kelp harvester with a valid permit issued pursuant to Section 165 may take no more than 12 tons of kelp from the portion of Administrative Kelp Bed 220 within the Edward F. Ricketts State Marine Conservation Area in any calendar month.

b. Duplicate landing records must be kept on board the harvest vessel in accordance with the requirements of Section 165.

Edward F. Ricketts SMCA Option 5 - Recreational fishing in entire MPA between Sunday morning at 6 a.m. and Friday evening at 6 p.m. only (decision will add or remove the text below)

(B) Take of all living marine resources is prohibited except:

1. The recreational take of finfish by hook-and-line is allowed in the Edward F. Ricketts State Marine Conservation Area only between 6 a.m. Sunday and 6 p.m. Friday.

2. The commercial take of giant kelp (*Macrocystis pyrifera*) and bull kelp (*Nereocystis spp.*) is allowed by hand in the area defined by subsection 165(c)(4)(D) under the following conditions:

a. Any individual kelp harvester with a valid permit issued pursuant to Section 165 may take no more than 12 tons of kelp from the portion of Administrative Kelp Bed 220 within the Edward F. Ricketts State Marine Conservation Area in any calendar month.

b. Duplicate landing records must be kept on board the harvest vessel in accordance with the requirements of Section 165.

(29)(36) Hopkins Lovers Point State Marine Reserve.

(A) This area is bounded by the mean high tide line, the 10-fathom depth contour, and the following points and straight lines connecting the following points in the order listed:

36° 37.25' N. lat. 121° 54.50' W. long.;

36° 37.63' N. lat. 121° 54.34' W. long.;

36° 37.22' N. lat. 121° 53.85' W. long.; and

36° 37.10' N. lat. 121° 54.09' W. long.

36° 37.10' N. lat. 121° 54.09' W. long.;

36° 37.25' N. lat. 121° 53.78' W. long.;

36° 37.38' N. lat. 121° 53.85' W. long.;

36° 37.60' N. lat. 121° 54.75' W. long.; and

36° 37.60' N. lat. 121° 54.91' W. long.

(B) Take of all living marine resources is prohibited.

~~(A) The director of the Hopkins State Marine Reserve, or any person to whom the director of the reserve has issued a permit, may take, for scientific purposes, any fish or specimen of marine plant life under the conditions prescribed by the department or the director of the reserve.~~

~~(30)(37) Pacific Grove Marine Gardens State Marine Conservation Area.~~

(A) This area is bounded by the mean high tide line, the 10-fathom depth contour, and the following points and straight lines connecting the following points in the order listed:

36° 37.09' N. lat. 121° 56.49' W. long.;

36° 37.34' N. lat. 121° 57.34' W. long.;

36° 37.63' N. lat. 121° 54.34' W. long.; and

36° 37.25' N. lat. 121° 54.50' W. long.

36° 37.60' N. lat. 121° 54.91' W. long.;

36° 37.60' N. lat. 121° 54.75' W. long.;

36° 38.70' N. lat. 121° 55.40' W. long.;

36° 38.90' N. lat. 121° 56.60' W. long.; and

36° 38.22' N. lat. 121° 56.15' W. long.

(B) Take of all living marine resources is prohibited except:

1. The recreational take of finfish is allowed.

2. The commercial take of giant kelp (*Macrocystis pyrifera*) and bull kelp (*Nereocystis spp.*) by hand is allowed under the following conditions:

a. Any individual kelp harvester with a valid permit issued pursuant to Section 165 may take no more than 44 tons of kelp from the portion of Administrative Kelp Bed 220 within the Pacific Grove Marine Gardens State Marine Conservation Area in any calendar month.

b. Duplicate landing records must be kept on board the harvest vessel in accordance with the requirements of Section 165.

~~(A) Take of all living marine resources is prohibited except:~~

~~1. Only the following species may be taken recreationally: finfish, and invertebrates other than mollusks or crustaceans.~~

~~2. Only the following species may be taken commercially by ring net, lampara net, or bait net: sardines, mackerel, anchovies, squid, and herring.~~

(38) Asilomar State Marine Reserve.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

36° 38.22' N. lat. 121° 56.15' W. long.;

36° 38.90' N. lat. 121° 56.60' W. long.; and

36° 36.60' N. lat. 121° 57.50' W. long.;

(B) Take of all living marine resources is prohibited.

(39) Carmel Pinnacles State Marine Reserve.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

36° 33.65' N. lat. 121° 57.60' W. long.;

36° 33.65' N. lat. 121° 58.50' W. long.;

36° 33.10' N. lat. 121° 58.50' W. long.;

36° 33.10' N. lat. 121° 57.60' W. long.; and

36° 33.65' N. lat. 121° 57.60' W. long.;

(B) Take of all living marine resources is prohibited.

(31)(40) Carmel Bay State Marine Conservation Area. This MPA is comprised of two areas. The first is bounded by the mean high tide line, and a straight line connecting the following points

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

36° 33.64' N. lat. 121° 57.07' W. long.; and

36° 31.40' N. lat. 121° 56.17' W. long.

The second consists of waters shallower than 15 fathoms within an area bounded by straight lines connecting the following points in the order listed:

36° 33.65' N. lat. 121° 58.40' W. long.;

36° 33.65' N. lat. 121° 57.60' W. long.;

36° 33.10' N. lat. 121° 57.60' W. long.;

36° 33.10' N. lat. 121° 58.40' W. long.; and

36° 33.65' N. lat. 121° 58.40' W. long.

36° 33.65' N. lat. 121° 57.10' W. long.;

36° 31.70' N. lat. 121° 56.30' W. long.; and

36° 31.70' N. lat. 121° 55.55' W. long.

(B) Take of all living marine resources is prohibited except:

1. The recreational take of finfish is allowed.

2. The commercial take of giant kelp (*Macrocystis pyrifera*) and bull kelp (*Nereocystis spp.*) by hand is allowed under the following conditions:

a. Any individual kelp harvester with a valid permit issued pursuant to Section 165 may take no more than 44 tons of kelp from the portion of Administrative Kelp Bed 219 within the Carmel Bay State Marine Conservation Area in any calendar month.

b. Duplicate landing records must be kept on board the harvest vessel in accordance with the requirements of Section 165.

(A) Take of all living marine resources is prohibited except the recreational take of finfish by hook and line or spear and the commercial take of kelp under the following conditions:

1. Within Stillwater Cove kelp may be removed at any time to allow the passage and mooring of boats between Pescadero Rocks and Arrowhead Point.

2. If, at any time, the director of the department finds that the harvesting of kelp will tend to destroy or impair any kelp bed or beds, or parts thereof, or tend to impair or destroy

~~the supply of any food for fish or wildlife, the director shall serve on every person licensed to harvest kelp a 48-hour advance, written notice that the kelp bed, or part thereof, will be closed to the harvesting of kelp for a period not to exceed one year. After service of such a notice, the person upon whom notice is served may appeal to the commission for a hearing to reopen the kelp bed or part thereof.~~

~~3. Not more than five percent (5%) of the total weight of kelp harvested in any one day shall consist of bull kelp (*Nereocystis* spp.).~~

~~4. Any licensed person or company intending to harvest kelp within the conservation area shall give the department's marine region manager, or designee, at least 48 hours written or oral notice of the intention to harvest. At the option of the department, the licensed person or company shall allow an observer selected by the department to accompany the harvester during such harvest.~~

~~5. Not more than 50 percent (50%) of the kelp within Administrative Kelp Bed 219 shall be harvested in any four-month period.~~

~~(32)~~(41) Point Lobos State Marine Reserve.

(A) This area is bounded by the mean high tide line and the following points~~straight lines~~ connecting the following points in the order listed:

36° 31.40' N. lat. 121° 56.17' W. long.;

36° 31.60' N. lat. 121° 56.27' W. long.;

36° 31.50' N. lat. 121° 57.63' W. long.;

36° 30.81' N. lat. 121° 57.99' W. long.;

36° 30.33' N. lat. 121° 56.69' W. long.; and

36° 30.33' N. lat. 121° 56.33' W. long.

36° 31.70' N. lat. 121° 55.55' W. long.;

36° 31.70' N. lat. 121° 58.25' W. long.;

36° 28.88' N. lat. 121° 58.25' W. long.; and

36° 28.88' N. lat. 121° 56.30' W. long.

(B) Take of all living marine resources is prohibited.

~~(A) Boats may be launched and retrieved only in designated areas and may be anchored within the reserve only during daylight hours.~~

(C) Within the portion of the Point Lobos State Marine Reserve which also falls within the boundary of the Point Lobos State Reserve (State Park Unit), restrictions on boating and diving activities exist. Contact the California Department of Parks and Recreation for current restrictions.

(42) Point Lobos State Marine Conservation Area.

(A) This area is bounded by straight lines connecting the following points in the order listed except where noted:

36° 31.70' N. lat. 121° 58.25' W. long.;

36° 31.70' N. lat. 122° 01.30' W. long.; thence southward along the three nautical mile offshore boundary to

36° 28.88' N. lat. 122° 00.55' W. long.;

36° 28.88' N. lat. 121° 58.25' W. long.; and

36° 31.70' N. lat. 121° 58.25' W. long.

(B) Take of all living marine resources is prohibited except the recreational and commercial take of salmon, albacore, and the commercial take of spot prawn.

(43) Point Sur State Marine Reserve.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

36° 18.40' N. lat. 121° 54.10' W. long.;

36° 18.40' N. lat. 121° 56.00' W. long.;

36° 15.00' N. lat. 121° 52.50' W. long.; and

36° 15.00' N. lat. 121° 50.25' W. long.;

(B) Take of all living marine resources is prohibited.

(44) Point Sur State Marine Conservation Area.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

36° 18.40' N. lat. 121° 56.00' W. long.;

36° 18.40' N. lat. 121° 58.33' W. long.; thence southward along the three nautical mile offshore boundary to

36° 15.00' N. lat. 121° 55.10' W. long.;

36° 15.00' N. lat. 121° 52.50' W. long.; and

36° 18.40' N. lat. 121° 56.00' W. long.

(B) Take of all living marine resources is prohibited except the commercial and recreational take of salmon and albacore.

(33) Julia Pfeiffer Burns State Marine Conservation Area. This area is bounded by the mean high tide line and the following points:

36° 10.50' N. lat. 121° 41.90' W. long.;

36° 09.60' N. lat. 121° 42.40' W. long.;

36° 08.30' N. lat. 121° 40.80' W. long.;

36° 09.20' N. lat. 121° 40.25' W. long.; and

36° 09.25' N. lat. 121° 40.05' W. long.

(A) Take of all living marine resources is prohibited except:

1. Only the following species may be taken recreationally: finfish, chiones, clams, cockles, rock scallops, native oysters, crabs, lobsters, ghost shrimp, sea urchins, mussels and marine worms except that no worms may be taken in any mussel bed unless taken incidentally to the take of mussels.

2. Only the following species may be taken commercially: finfish, crabs, ghost shrimp, jackknife clams, sea urchins, squid, kelp and worms except that no worms may be taken in any mussel bed, nor may any person pick up, remove, detach from the substrate any other organisms, or break up, move or destroy any rocks or other substrate or surfaces to which organisms are attached.

(34)(45) Big Creek State Marine Reserve.

(A) This area is bounded by the mean high tide line, the 50-fathom depth contour, and the following points and straight lines connecting the following points in the order listed except where noted:

36° 05.31' N. lat. 121° 37.10' W. long.;

36° 05.31' N. lat. 121° 38.24' W. long.;

36° 03.65' N. lat. 121° 37.04' W. long.; and

36° 03.65' N. lat. 121° 35.50' W. long.

36° 07.20' N. lat. 121° 38.00' W. long.;

36° 07.20' N. lat. 121° 39.00' W. long.;

36° 05.20' N. lat. 121° 38.00' W. long.

36° 05.20' N. lat. 121° 41.25' W. long.; thence southward along the three nautical mile offshore boundary to

36° 02.65' N. lat. 121° 39.70' W. long.; and

36° 02.65' N. lat. 121° 35.13' W. long.

(B) Take of all living marine resources is prohibited.

(C) Anchoring. Except as pursuant to Federal law or emergency caused by hazardous weather, it is unlawful to anchor or moor a vessel in waters shallower than 10 fathoms in the Big Creek State Marine Reserve.

~~(A) Swimming. No person shall swim, wade, dive, or use any diving equipment within the Big Creek State Marine Reserve except as authorized pursuant to scientific research approved by the department.~~

~~(B) Boating. Except as allowed pursuant to Federal law, no person shall launch or operate a boat or other floating device within the Big Creek State Marine Reserve except to pass through the area during the normal course of vessel transit along the coast, to avoid inclement weather, or pursuant to scientific research approved by the department.~~

~~(C) Firearms. No person shall possess, fire, or discharge any firearm, bow and arrow, air or gas gun, spear gun, or any other weapon of any kind within, or into the Big Creek State Marine Reserve except as authorized pursuant to scientific research approved by the department.~~

~~(D) Public Entry. Public entry into the Big Creek State Marine Reserve may be restricted at the discretion of the department to protect wildlife, aquatic life, or habitat. No person, except state and local law enforcement officers, fire suppression agencies and employees of the department in the performance of their official duties or persons possessing written permission from the department, or institution or agency entering into a memorandum of understanding (MOU) with the department, may enter an area which is closed to public entry.~~

~~(E) Pesticides, Herbicides, and Other Regulated Chemicals. The use of pesticides, herbicides, and other regulated chemicals is prohibited in the Big Creek State Marine Reserve except as authorized pursuant to scientific research approved by the department. Where such chemicals are intended to be used as a part of any research program, any necessary authorization and/or permits required to dispense such chemicals into state waters or tide and submerged lands shall be obtained prior to final approval of the research by the department.~~

~~(F) Litter. No person shall deposit, drop, or scatter any debris on the Big Creek State Marine Reserve. Any refuse resulting from a person's use of an area must be removed from that area by such person.~~

~~(G) Aircraft. No person shall operate any aircraft or hovercraft within the Big Creek State Marine Reserve, except as authorized pursuant to scientific research approved by the department.~~

~~(H) Pets. Pets, including but not limited to, dogs and cats, are prohibited from entering the Big Creek State Marine Reserve unless authorized by the department.~~

~~(I) Memorandum of Understanding (MOU). The department may enter into MOU's with colleges, universities, and other bonafide research organizations, to conduct marine-related research within the Big Creek State Marine Reserve.~~

~~(J) The Department shall only approve research within the Big Creek State Marine Reserve which is compatible with research underway within the reserve area prior to its establishment by the commission, such research compatibility to be determined by contacting the Reserve Manager for the Landels Hill Big Creek Reserve prior to authorizing research within the reserve.~~

(46) Big Creek State Marine Conservation Area.

(A) This area is bounded by the three nautical mile offshore boundary and straight lines connecting the following points in the order listed except where noted:

36° 07.20' N. lat. 121° 39.00' W. long.;

36° 07.20' N. lat. 121° 42.90' W. long.; thence southward along the three nautical mile offshore boundary to

36° 05.20' N. lat. 121° 41.24' W. long.;

36° 05.20' N. lat. 121° 38.00' W. long.; and

36° 07.20' N. lat. 121° 39.00' W. long.

(B) Take of all living marine resources is prohibited except the commercial and recreational take of salmon, albacore, and the commercial take of spot prawn.

(47) Piedras Blancas State Marine Reserve.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

35° 42.85' N. lat. 121° 18.95' W. long.;

35° 42.85' N. lat. 121° 21.00' W. long.;

35° 39.15' N. lat. 121° 18.50' W. long.; and

35° 39.15' N. lat. 121° 14.45' W. long.

(B) Take of all living marine resources is prohibited.

(48) Piedras Blancas State Marine Conservation Area.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

35° 42.85' N. lat. 121° 21.00' W. long.;

35° 42.85' N. lat. 121° 22.85' W. long.; thence southward along the three nautical mile offshore boundary to

35° 39.15' N. lat. 121° 20.90' W. long.;

35° 39.15' N. lat. 121° 18.50' W. long.; and

35° 42.85' N. lat. 121° 21.00' W. long.

(B) Take of all living marine resources is prohibited except the commercial and recreational take of salmon and albacore.

(49) Cambria State Marine Conservation Area.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

Cambria SMCA Option 1 - Boundaries from BRTF Package 3R altered to cardinal coordinates (decision will add or delete the text below).

35° 37.10' N. lat. 121° 09.20' W. long.;

35° 37.10' N. lat. 121° 10.70' W. long.;

35° 32.85' N. lat. 121° 06.70' W. long.; and

35° 32.85' N. lat. 121° 05.85' W. long.

(B) The commercial take of all living marine resources is prohibited. Recreational take is allowed.

Cambria SMCA Option 2 - Boundaries from BRTF Package 3R altered to cardinal coordinates and to visible landmarks (decision will add or delete the text below).

35° 35.70' N. lat. 121° 07.50' W. long.;

35° 35.70' N. lat. 121° 10.00' W. long.;

35° 32.50' N. lat. 121° 07.00' W. long.; and

35° 32.50' N. lat. 121° 05.60' W. long.

(B) The commercial take of all living marine resources is prohibited. Recreational take is allowed.

Cambria second area Option 1 - Cambria State Marine Reserve with boundaries from BRTF Package 3R altered to cardinal coordinates (decision will add or delete the text below).

(50) Cambria State Marine Reserve.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

35° 32.85' N. lat. 121° 05.85' W. long.;

35° 32.85' N. lat. 121° 06.70' W. long.;

35° 30.50' N. lat. 121° 05.00' W. long.; and

35° 30.50' N. lat. 121° 03.40' W. long.

(B) Take of all living marine resources is prohibited.

Cambria second area Option 2 - Cambria State Marine Reserve with boundaries from BRTF Package 3R altered to cardinal coordinates and to visible landmarks (decision will add or delete the text below).

(50) Cambria State Marine Reserve.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

35° 32.50' N. lat. 121° 05.60' W. long.

35° 32.50' N. lat. 121° 07.00' W. long.;

35° 30.50' N. lat. 121° 05.00' W. long.; and

35° 30.50' N. lat. 121° 03.40' W. long.

(B) Take of all living marine resources is prohibited.

Cambria second area Option 3 - White Rock (Cambria) State Marine Conservation Area allowing the take of kelp with boundaries from BRTF Package 3R altered to cardinal coordinates (decision will add or delete the text below).

(50) White Rock (Cambria) State Marine Conservation Area.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

35° 32.85' N. lat. 121° 05.85' W. long.;

35° 32.85' N. lat. 121° 06.70' W. long.;

35° 30.50' N. lat. 121° 05.00' W. long.; and

35° 30.50' N. lat. 121° 03.40' W. long.

(B) Take of all living marine resources is prohibited except the commercial take of giant kelp (*Macrocystis pyrifera*) and bull kelp (*Nereocystis spp.*) under the following conditions:

1. Any individual kelp harvester with a valid permit issued pursuant to Section 165 and holding a valid lease to Administrative Kelp Bed 208 may take no more than 125 tons of

kelp from the portion of Administrative Kelp Bed 208 within the White Rock (Cambria) State Marine Conservation Area in any calendar month.

2. Duplicate landing records must be kept on board the harvest vessel in accordance with the requirements of Section 165.

Cambria second area Option 4 - White Rock (Cambria) State Marine Conservation Area allowing the take of kelp with boundaries from BRTF Package 3R altered to cardinal coordinates and to visible landmarks (decision will add or delete the text below).

(50) White Rock (Cambria) State Marine Conservation Area.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

35° 32.50' N. lat. 121° 05.60' W. long.

35° 32.50' N. lat. 121° 07.00' W. long.;

35° 30.50' N. lat. 121° 05.00' W. long.; and

35° 30.50' N. lat. 121° 03.40' W. long.

(B) Take of all living marine resources is prohibited except the commercial take of giant kelp (*Macrocystis pyrifera*) and bull kelp (*Nereocystis spp.*) under the following conditions:

1. Any individual kelp harvester with a valid permit issued pursuant to Section 165 and holding a valid lease to Administrative Kelp Bed 208 may take no more than 125 tons of kelp from the portion of Administrative Kelp Bed 208 within the White Rock (Cambria) State Marine Conservation Area in any calendar month.

2. Duplicate landing records must be kept on board the harvest vessel in accordance with the requirements of Section 165.

~~(35) Atascadero Beach State Marine Conservation Area. This area is bounded by the mean high tide line, the three nautical mile offshore boundary, and the following points:~~

~~35° 23.64' N. lat. 120° 51.98' W. long.;~~

~~35° 23.50' N. lat. 120° 55.98' W. long.;~~

~~35° 22.10' N. lat. 120° 56.07' W. long.; and~~

~~35° 22.19' N. lat. 120° 52.20' W. long.;~~

~~(A) Take of clams is prohibited. Take of other living marine resources is allowed.~~

~~(36) Morro Beach State Marine Conservation Area. This area is bounded by the mean high tide line, the three nautical mile offshore boundary, and the following points:~~

~~35° 18.79' N. lat. 120° 52.30' W. long.;~~

~~35° 19.96' N. lat. 120° 55.90' W. long.;~~

~~35° 18.40' N. lat. 120° 56.35' W. long.; and~~

~~35° 17.13' N. lat. 120° 53.06' W. long.~~

~~(A) Take of clams is prohibited. Commercial take of giant kelp and bull kelp is prohibited. Take of other living marine resources is allowed.~~

~~(37) Pismo State Marine Conservation Area. This area is bounded by the mean high tide line, a distance of 1000 feet offshore, and the following points:~~

~~35° 07.65' N. lat. 120° 38.28' W. long.;~~

~~35° 07.60' N. lat. 120° 38.51' W. long.;~~

~~35° 07.28' N. lat. 120° 38.39' W. long.; and~~

~~35° 07.33' N. lat. 120° 38.17' W. long.~~

~~(A) Take of all invertebrates and marine aquatic plants is prohibited except the commercial take of algae other than giant kelp and bull kelp.~~

~~(38) Pismo-Oceano Beach State Marine Conservation Area. This area is bounded by the mean high tide line, the three nautical mile offshore boundary, and the following points:~~

~~35° 01.81' N. lat. 120° 38.07' W. long.;~~

~~35° 02.50' N. lat. 120° 41.69' W. long.;~~

~~34° 59.35' N. lat. 120° 42.50' W. long.; and~~

~~34° 58.48' N. lat. 120° 38.88' W. long.~~

~~(A) Take of clams is prohibited. Commercial take of giant kelp and bull kelp is prohibited. Take of other living marine resources is allowed.~~

~~(51) Morro Bay State Marine Recreational Management Area.~~

~~(A) This area includes the area below mean high tide within Morro Bay east of the Morro Bay entrance breakwater and west of longitude 120° 50.34' W.~~

~~(B) Recreational hunting of waterfowl is allowed unless otherwise restricted by hunting regulations (sections 502, 550, 551, and 552).~~

~~(C) Take of all living marine resources is prohibited except the following activities are allowed north of latitude 35° 19.70' N:~~

~~1. The recreational take of finfish~~

~~2. Aquaculture of oysters, pursuant to a valid State water bottom lease and permit~~

~~3. Storing finfish taken outside the Morro Bay State Marine Recreational Management Area in a receiver for bait purposes.~~

~~(52) Morro Bay State Marine Reserve.~~

~~(A) This area includes the area below mean high tide line within Morro Bay east of longitude 120° 50.34' W.~~

~~(B) Take of all living marine resources is prohibited.~~

~~(53) Point Buchon State Marine Reserve.~~

~~(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:~~

~~35° 15.25' N. lat. 120° 54.00' W. long.;~~

~~35° 15.25' N. lat. 120° 56.00' W. long.;~~

~~35° 11.00' N. lat. 120° 52.40' W. long.; and~~

~~35° 13.30' N. lat. 120° 52.40' W. long.~~

~~(B) Take of all living marine resources is prohibited.~~

~~(54) Point Buchon State Marine Conservation Area.~~

~~(A) This area is bounded by straight lines connecting the following points in the order listed except where noted:~~

~~35° 15.25' N. lat. 120° 56.00' W. long.;~~

~~35° 15.25' N. lat. 120° 57.80' W. long.; thence southward along the three nautical mile offshore boundary to~~

~~35° 11.00' N. lat. 120° 55.20' W. long.;~~

~~35° 11.00' N. lat. 120° 52.40' W. long.; and~~

~~35° 15.25' N. lat. 120° 56.00' W. long.;~~

~~(B) Take of all living marine resources is prohibited except the commercial and recreational take of salmon and albacore.~~

~~(39)(55) Vandenberg State Marine Reserve.~~

~~(A) This area is bounded by the mean high tide line, the 10 fathom depth contour, and the following points and straight lines connecting the following points in the order listed:~~

34° 36.27' N. lat. 120° 38.54' W. long.;
34° 35.82' N. lat. 120° 39.22' W. long.;
34° 33.03' N. lat. 120° 38.45' W. long.; and
34° 33.36' N. lat. 120° 37.60' W. long.
34° 44.65' N. lat. 120° 37.75' W. long.;
34° 44.65' N. lat. 120° 40.00' W. long.;
34° 33.25' N. lat. 120° 40.00' W. long.; and
34° 33.25' N. lat. 120° 37.25' W. long.

(B) Take of all living marine resources is prohibited except take incidental to base operations and commercial space launch operations identified by the Vandenberg Air Force Base Commander as mission critical.

(C) Public Entry. Public entry into the Vandenberg State Marine Reserve may be restricted at the discretion of the department to protect wildlife, aquatic life, or habitat or by the Commander of Vandenberg Air Force Base to protect and provide safety for base operations.

(D) The Department shall enter into a Memorandum of Understanding (MOU) with the Commander of Vandenberg Air Force Base for the mutually beneficial management and administration of the Vandenberg State Marine Reserve. The MOU shall include, but not be limited to, the identification of Vandenberg Air Force Base's national defense mission activities that are unrestricted by the subject regulations and details on management and administrative roles and responsibilities.

(A) Swimming. No person shall swim, wade, dive, or use any diving equipment within the Vandenberg State Marine Reserve except as authorized pursuant to scientific research approved by the department.

(B) Boating. Except as allowed pursuant to Federal law, no person shall launch or operate a boat or other floating device within the Vandenberg State Marine Reserve except to pass through the area during the normal course of vessel transit along the coast, to avoid inclement weather, or pursuant to scientific research approved by the department.

(C) Firearms. No person shall possess, fire, or discharge any firearm, bow and arrow, air or gas gun, spear gun, or any other weapon of any kind within, or into the Vandenberg State Marine Reserve except as authorized pursuant to scientific research approved by the department.

(D) Public Entry. Public entry into the Vandenberg State Marine Reserve may be restricted at the discretion of the department to protect wildlife, aquatic life, or habitat. No person, except state and local law enforcement officers, fire suppression agencies and employees of the department in the performance of their official duties or persons possessing written permission from the department, or institution or agency entering into a memorandum of understanding (MOU) with the department, may enter an area which is closed to public entry.

(E) Pesticides, Herbicides, and Other Regulated Chemicals. The use of pesticides, herbicides, and other regulated chemicals is prohibited in the Vandenberg State Marine Reserve except as authorized pursuant to scientific research approved by the department. Where such chemicals are intended to be used as a part of any research program, any necessary authorization and/or permits required to dispense such

~~chemicals into state waters or tide and submerged lands shall be obtained prior to final approval of the research by the department.~~

~~(F) Litter. No person shall deposit, drop, or scatter any debris on the Vandenberg State Marine Reserve. Any refuse resulting from a person's use of an area must be removed from that area by such person.~~

~~(G) Aircraft. No person shall operate any aircraft or hovercraft within the Vandenberg State Marine Reserve, except as authorized pursuant to scientific research approved by the department.~~

~~(H) Pets. Pets, including but not limited to, dogs and cats, are prohibited from entering the Vandenberg State Marine Reserve unless authorized by the department.~~

~~(I) Memorandum of Understanding (MOU). The department may enter into MOU's with colleges, universities, and other bonafide research organizations, including Vandenberg Air Force Base (VAFB), to conduct marine-related research within the Vandenberg State Marine Reserve.~~

~~(J) The department shall enter into a Memorandum of Understanding (MOU) with the Commander of Vandenberg Air Force Base for the management and administration of the Vandenberg State Marine Reserve. The MOU shall include all uses necessary and compatible with the Vandenberg Air Force Base's national defense mission.~~

~~(40)(56) Refugio State Marine Conservation Area.~~

~~(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:~~

~~34° 27.63' N. lat. 120° 05.32' W. long.;~~

~~34° 27.34' N. lat. 120° 05.75' W. long.;~~

~~34° 27.34' N. lat. 120° 02.75' W. long.; and~~

~~34° 27.76' N. lat. 120° 02.75' W. long.~~

~~(A)(B) Take of all living marine resources is prohibited except:~~

~~1. Only the following species may be taken recreationally: finfish, chiones, clams, cockles, rock scallops, native oysters, crabs, lobsters~~lobster~~, ghost shrimp, sea urchins, mussels and marine worms except that no worms may be taken in any mussel bed unless taken incidentally to the take of mussels.~~

~~2. Only the following species may be taken commercially: finfish, crabs, ghost shrimp, jackknife clams, sea urchins, algae except giant kelp and bull kelp and worms except that no worms may be taken in any mussel bed, nor may any person pick up, remove, detach from the substrate any other organisms, or break up, move or destroy any rocks or other substrate or surfaces to which organisms are attached.~~

~~(41)(57) Goleta Slough State Marine Park.~~

~~(A) This area consists of waters below the mean high tide line within the Goleta Slough Ecological Reserve:~~

~~(A)(B) Take of all living marine resources is prohibited except the recreational hook and line take of species other than marine aquatic plants from designated areas.~~

~~(B)(C) Boating, swimming, wading, and diving are prohibited within the park.~~

~~(C)(D) No person shall enter this reserve~~park~~ and remain therein except on established trails, paths or other designated areas except department employees or designated employees of Santa Barbara Airport, City of Santa Barbara and Goleta Valley Mosquito Abatement District for the purposes of carrying out official duties.~~

~~(42)(58) Richardson Rock (San Miguel Island) State Marine Reserve.~~

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

34° 08.40' N. lat. 120° 34.20' W. long.;
34° 08.40' N. lat. 120° 28.20' W. long.;
34° 03.60' N. lat. 120° 28.20' W. long.;
34° 03.60' N. lat. 120° 34.20' W. long.; and
34° 08.40' N. lat. 120° 34.20' W. long.

(B) Take of all living marine resources is prohibited.

~~(43)~~(59) San Miguel Island Special Closure. Special restrictions on boating and access apply to San Miguel Island as follows.

(A) Boating is ~~permitted~~allowed at San Miguel Island except west of a line drawn between Judith Rock (34° 01.50' N. lat. 120° 23.30' W. long.) and Castle Rock (34° 03.30' N. lat. 120° 26.30' W. long.) where boats are prohibited closer than 300 yards from shore.

1. Notwithstanding the 300-yard boating closure between Judith Rock and Castle Rock, the following shall apply:

a. Boats may approach San Miguel Island no nearer than 100 yards from shore during the period(s) from March 15 through April 30, and October 1 through December 15; and
b. Boats operated by commercial sea urchin divers may enter waters of the 300- yard area between the western boundary of the Judith Rock State Marine Reserve at 120° 26.60' W. long. and Castle Rock for the purpose of fishing sea urchins during the period(s) from March 15 through April 30, and October 1 through December 15.

2. The department may rescind permission for boats to enter waters within 300 yards between Judith Rock and Castle Rock upon finding that impairment to the island marine mammal resource is imminent. Immediately following such closure, the department will request the commission to hear, at its regularly scheduled meeting, presentation of documentation supporting the need for such closure.

(B) Other Requirements:

1. Boats traveling within 300 yards of the shoreline or anchorages shall operate with a minimum amount of noise and shall not exceed speeds of five miles per hour.

2. Except as permitted by federal law or emergency caused by hazardous weather, boats may be anchored overnight only at Tyler Bight and Cuyler Harbor.

3. Landing is allowed on San Miguel Island only at the designated landing beach in Cuyler Harbor.

4. No person shall have access to all other offshore rocks and islands at San Miguel Island.

~~(44)~~(60) Harris Point (San Miguel Island) State Marine Reserve.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

34° 03.10' N. lat. 120° 23.30' W. long.;
34° 06.00' N. lat. 120° 23.30' W. long.;
34° 06.00' N. lat. 120° 18.40' W. long.; and
34° 01.80' N. lat. 120° 18.40' W. long.

(B) Take of all living marine resources is prohibited.

~~(A)~~(C) An exemption to the reserve, where commercial and recreational take of living marine resources is allowed, exists between the mean high tide line in Cuyler Harbor and a straight line between the following points:

34° 03.50' N. lat. 120° 21.30' W. long.; and

34° 02.90' N. lat. 120° 20.20' W. long.

~~(45)~~(61) Judith Rock (San Miguel Island) State Marine Reserve.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

34° 01.80' N. lat. 120° 26.60' W. long.;

33° 58.50' N. lat. 120° 26.60' W. long.;

33° 58.50' N. lat. 120° 25.30' W. long.; and

34° 01.50' N. lat. 120° 25.30' W. long.

(B) Take of all living marine resources is prohibited.

~~(46)~~(62) Carrington Point (Santa Rosa Island) State Marine Reserve.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

34° 01.30' N. lat. 120° 05.20' W. long.

34° 04.00' N. lat. 120° 05.20' W. long.;

34° 04.00' N. lat. 120° 01.00' W. long.;

34° 00.50' N. lat. 120° 01.00' W. long.; and

34° 00.50' N. lat. 120° 02.80' W. long.

(B) Take of all living marine resources is prohibited.

~~(47)~~(63) Skunk Point (Santa Rosa Island) State Marine Reserve.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

33° 59.00' N. lat. 119° 58.80' W. long.;

33° 59.00' N. lat. 119° 58.00' W. long.;

33° 57.10' N. lat. 119° 58.00' W. long.; and

33° 57.10' N. lat. 119° 58.20' W. long.

(B) Take of all living marine resources is prohibited.

~~(48)~~(64) South Point (Santa Rosa Island) State Marine Reserve.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

33° 53.80' N. lat. 120° 06.50' W. long.;

33° 51.40' N. lat. 120° 06.50' W. long.;

33° 51.40' N. lat. 120° 10.00' W. long.; and

33° 55.00' N. lat. 120° 10.00' W. long.

(B) Take of all living marine resources is prohibited.

~~(49)~~(65) Painted Cave (Santa Cruz Island) State Marine Conservation Area.

(A) This area is bounded by the mean high tide line, the one nautical mile offshore boundary, and the following points:

34° 04.50' N. lat. 119° 53.00' W. long.;

34° 05.20' N. lat. 119° 53.00' W. long.;

34° 05.00' N. lat. 119° 51.00' W. long.; and

34° 04.00' N. lat. 119° 51.00' W. long.

~~(A)~~(B) Take of all living marine resources is prohibited except for the recreational take of spiny lobster (*Panulirus interruptus*) and pelagic finfish [subsection 632(a)(2)632(a)(3)].

~~(50)~~(66) Gull Island (Santa Cruz Island) State Marine Reserve.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

33° 58.00' N. lat. 119° 51.00' W. long.;

33° 58.00' N. lat. 119° 53.00' W. long.;

33° 55.20' N. lat. 119° 53.00' W. long.;

33° 55.20' N. lat. 119° 48.00' W. long.; and

33° 57.70' N. lat. 119° 48.00' W. long.

(B) Take of all living marine resources is prohibited.

~~(51)~~(67) Scorpion (Santa Cruz Island) State Marine Reserve.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

34° 02.94' N. lat. 119° 35.50' W. long.;

34° 06.20' N. lat. 119° 35.50' W. long.;

34° 06.20' N. lat. 119° 32.80' W. long.; and

34° 02.80' N. lat. 119° 32.80' W. long.

(B) Take of all living marine resources is prohibited.

~~(52)~~(68) Anacapa Island Special Closure.

(A) No net or trap may be used in waters less than 20 feet deep off the Anacapa Islands commonly referred to as Anacapa Island.

(B) A brown pelican fledgling area is designated from the mean high tide mark seaward to a water depth of 20 fathoms (120 feet) on the north side of West Anacapa Island between a line extending 000° True off Portuguese Rock (34° 00.91' N. lat. 119° 25.26' W. long.) to a line extending 000° True off the western edge of Frenchy's Cove (34° 00.4' N. lat. 119° 24.6' W. long.), a distance of approximately 4,000 feet. No person except department employees or employees of the National Park Service in the performance of their official duties shall enter this area during the period January 1 to October 31.

~~(53)~~(69) Anacapa Island State Marine Conservation Area.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

34° 00.80' N. lat. 119° 26.70' W. long.;

34° 04.00' N. lat. 119° 26.70' W. long.;

34° 04.00' N. lat. 119° 24.60' W. long.; and

34° 00.40' N. lat. 119° 24.60' W. long.

~~(A)~~(B) Take of all living marine resources is prohibited except for the recreational take of spiny lobster (*Panulirus interruptus*) and pelagic finfish [subsection 632(a)(2)632(a)(3)] and the commercial take of spiny lobster.

~~(54)~~(70) Anacapa Island State Marine Reserve.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

34° 00.40' N. lat. 119° 24.60' W. long.;

34° 04.00' N. lat. 119° 24.60' W. long.;

34° 04.00' N. lat. 119° 21.40' W. long.; and

34° 01.00' N. lat. 119° 21.40' W. long.

(B) Take of all living marine resources is prohibited.

~~(55)~~(71) Big Sycamore Canyon State Marine Reserve.

(A) This area is bounded by the 5- fathom depth contour, the 20-fathom depth contour, and the following points:

34° 04.79' N. lat. 119° 02.03' W. long.;

34° 03.92' N. lat. 119° 02.70' W. long.;

34° 02.97' N. lat. 119° 00.00' W. long.; and

34° 03.86' N. lat. 119° 00.00' W. long.

(B) Take of all living marine resources is prohibited.

~~(A)~~(C) Swimming. No person shall swim, wade, dive, or use any diving equipment within the Big Sycamore Canyon State Marine Reserve except as authorized pursuant to scientific research approved by the department.

~~(B)~~(D) Boating. Except as allowed pursuant to Federal law, no person shall launch or operate a boat or other floating device within the Big Sycamore Canyon State Marine Reserve except to pass through the area during the normal course of vessel transit along the coast, to avoid inclement weather, or pursuant to scientific research approved by the department.

~~(C)~~(E) Firearms. No person shall possess, fire, or discharge any firearm, bow and arrow, air or gas gun, spear gun, or any other weapon of any kind within, or into the Big Sycamore Canyon State Marine Reserve except as authorized pursuant to scientific research approved by the department.

~~(D)~~(F) Public Entry. Public entry into the Big Sycamore Canyon State Marine Reserve may be restricted at the discretion of the department to protect wildlife, aquatic life, or habitat. No person, except state and local law enforcement officers, fire suppression agencies and employees of the department in the performance of their official duties or persons possessing written permission from the department, or institution or agency entering into a memorandum of understanding (MOU) with the department, may enter an area which is closed to public entry.

~~(E)~~(G) Pesticides, Herbicides, and Other Regulated Chemicals. The use of pesticides, herbicides, and other regulated chemicals is prohibited in the Big Sycamore Canyon State Marine Reserve except as authorized pursuant to scientific research approved by the department. Where such chemicals are intended to be used as a part of any research program, any necessary authorization and/or permits required to dispense such chemicals into state waters or tide and submerged lands shall be obtained prior to final approval of the research by the department.

~~(F)~~(H) Litter. No person shall deposit, drop, or scatter any debris on the Big Sycamore Canyon State Marine Reserve. Any refuse resulting from a person's use of an area must be removed from that area by such person.

~~(G)~~(I) Aircraft. No person shall operate any aircraft or hovercraft within the Big Sycamore Canyon State Marine Reserve, except as authorized pursuant to scientific research approved by the department.

~~(H)~~(J) Pets. Pets, including but not limited to, dogs and cats, are prohibited from entering the Big Sycamore Canyon State Marine Reserve unless authorized by the department.

~~(I)~~(K) Memorandum of Understanding (MOU). The department may enter into MOU's with colleges, universities, and other bonafide research organizations to conduct marine-related research within the Big Sycamore Canyon State Marine Reserve.

~~(J)~~(L) The department shall notify the California Department of Parks and Recreation of scientific research approved within the Big Sycamore Canyon State Marine Reserve.

~~(56)~~(72) Santa Barbara Island State Marine Reserve.

(A) This area is bounded by the mean high tide line, the three nautical mile offshore boundary and the following points:

33° 28.50' N. lat. 119° 01.70' W. long.;

33° 28.50' N. lat. 118° 58.20' W. long.;

33° 24.90' N. lat. 119° 02.20' W. long.; and

33° 27.90' N. lat. 119° 02.20' W. long.

(B) Take of all living marine resources is prohibited.

~~(57)~~(73) Abalone Cove State Marine Park.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

33° 44.53' N. lat. 118° 22.83' W. long.;

33° 44.47' N. lat. 118° 22.83' W. long.;

33° 44.14' N. lat. 118° 22.47' W. long.;

33° 44.14' N. lat. 118° 22.12' W. long.; and

33° 44.19' N. lat. 118° 22.12' W. long.

~~(A)~~(B) Take of all living marine resources is prohibited except the recreational take of finfish by hook and line or spear.

~~(58)~~(74) Point Fermin State Marine Park.

(A) This area is bounded by the mean high tide line, a distance of 600 feet ~~offshore~~seaward of mean lower low water, and the following points:

33° 42.31' N. lat. 118° 17.57' W. long.;

33° 42.21' N. lat. 118° 17.57' W. long.;

33° 42.47' N. lat. 118° 17.00' W. long.; and

33° 42.47' N. lat. 118° 17.13' W. long.

~~(A)~~(B) Take of all living marine resources is prohibited except the recreational take of: lobster, rockfish (family Scorpaenidae), greenling, lingcod, cabezon, yellowtail, mackerel, bluefin tuna, kelp bass, spotted sand bass, barred sand bass, sargo, croaker, queenfish, California corbina, white seabass, opaleye, halfmoon, surfperch (family Embiotocidae), blacksmith, Pacific barracuda, California sheephead, Pacific bonito, California halibut, sole, turbot, and sanddab. Finfish shall be taken only by hook and line or by spearfishing gear.

~~(59)~~(75) Bolsa Chica State Marine Park.

(A) This area consists of waters below the mean high tide line within the Bolsa Chica Ecological Reserve.

~~(A)~~(B) Take of all living marine resources is prohibited except the recreational hook and line take of species other than marine aquatic plants from designated areas around outer Bolsa Bay.

~~(B)~~(C) Boating, swimming, wading, and diving are prohibited within the park.

~~(C)~~(D) No person, except State and local law enforcement officers, fire suppression agencies and employees of the department in the performance of their official duties or

persons possessing written permission from the department or employees of Signal Corporation and its invitees for the purpose of carrying out oil and gas operations, shall enter this park and remain therein except on established trails, paths, or other designated areas.

~~(D)~~(E) No person shall enter this park between the hours of 8:00 p.m. and 6:00 a.m.

~~(E)~~(F) The County of Orange, after consultation with the department, may carry out management activities for fish and wildlife, flood control and vector control. Authorized operation and maintenance activities shall include, but shall not be limited to, use of chemicals, vegetation control, water control and use of associated equipment.

~~(60)~~(76) Special Closure: Arrow Point to Lion Head Point (Catalina Island) Invertebrate Area.

(A) This area is bounded by the mean high tide line, a distance of 1000 feet ~~offshore~~seaward of mean lower low water, and the following points:

33° 28.64' N. lat. 118° 32.33' W. long.;

33° 28.82' N. lat. 118° 32.33' W. long.;

33° 27.25' N. lat. 118° 29.90' W. long.; and

33° 27.18' N. lat. 118° 30.07' W. long.

~~(A) No recreational take of invertebrates is allowed.~~

(B) Recreational take of invertebrates is prohibited. Take of other living marine resources is allowed.

~~(61)~~(77) Catalina Marine Science Center State Marine Reserve.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

33° 26.65' N. lat. 118° 29.33' W. long.;

33° 26.83' N. lat. 118° 29.13' W. long.;

33° 26.96' N. lat. 118° 28.56' W. long.;

33° 26.92' N. lat. 118° 28.53' W. long.; and

33° 26.87' N. lat. 118° 28.62' W. long.

(B) Take of all living marine resources is prohibited.

~~(A)~~(C) Except as pursuant to Federal law, emergency caused by hazardous weather, or as provided in this section, it is unlawful to anchor or moor a vessel in the Catalina Marine Science Center State Marine Reserve.

~~(B)~~(D) The director of the Catalina Marine Science Center Marine State Marine Reserve, or any person that the director of the reserve has authorized may anchor or moor a vessel or take, for scientific purposes, any fish or specimen of marine life under the conditions prescribed by the department or the reserve director.

~~(62)~~(78) Farnsworth Bank State Marine Conservation Area.

(A) This area consists of waters shallower than 250 feet within the area bounded by straight lines connecting the following points in the order listed:

33° 21.00' N. lat. 118° 32.00' W. long.;

33° 21.00' N. lat. 118° 30.50' W. long.;

33° 20.00' N. lat. 118° 30.50' W. long.;

33° 20.00' N. lat. 118° 32.00' W. long.; and

33° 21.00' N. lat. 118° 32.00' W. long.

~~(A)~~(B) Take of purple coral (*Stylaster californicus*) is prohibited. Take of other living marine resources is allowed.

~~(63)~~(79) Lover's Cove State Marine Conservation Area.

(A) This area is bounded by the mean high tide line, a distance of 100 yards ~~offshore~~seaward of mean lower low water, and the following points:

33° 20.64' N. lat. 118° 19.25' W. long.;

33° 20.67' N. lat. 118° 19.20' W. long.;

33° 20.59' N. lat. 118° 18.94' W. long.; and

33° 20.56' N. lat. 118° 18.98' W. long.

~~(A)~~(B) Take of all living marine resources is prohibited except the commercial take of finfish and kelp.

~~(64)~~(80) Upper Newport Bay State Marine Park.

(A) This area consists of waters below the mean high tide line within the Upper Newport Bay Ecological Reserve bounded by; the southern end of Shellmaker Island (33° 37.20' N. lat. 117° 53.51' W. long.) in the south, Back Bay Drive, East Bluff Drive, and Jamboree road in the east, the 10-foot elevation in the north and west, and a line connecting North Star Beach (33° 37.38' N. lat. 117° 53.60' W. long.) to the southern end of Shellmaker Island.

~~(A)~~(B) Take of all living marine resources is prohibited except the recreational hook and line take of species other than kelp.

~~(B)~~(C) Swimming is ~~permitted~~allowed only in the area between North Star Beach and mid-channel.

~~(C)~~(D) Boats are limited to speeds less than five miles per hour.

~~(D)~~(E) Shoreline access is limited to established trails, paths, or other designated areas.

~~(E)~~(F) A \$2.00 day use pass or a valid \$10.00 annual wildlife pass is required of all users of Upper Newport Bay Ecological Reserve except: users that possess a valid California sport fishing license, hunting license or trapping license; users that are under 16 years of age; or users that are part of an organized youth or school group and having free permits issued by the appropriate regional office. Refer to subsections 550(b)(4) and (5), Title 14, CCR, for regulations for fee requirements for wildlife areas.

~~(65)~~(81) Robert E. Badham State Marine Conservation Area.

(A) This area is bounded by the mean high tide line, a distance of 200 feet ~~offshore~~seaward of mean lower low water, and the following points:

33° 35.42' N. lat. 117° 52.22' W. long.;

33° 35.40' N. lat. 117° 52.24' W. long.;

33° 35.03' N. lat. 117° 51.78' W. long.; and

33° 35.05' N. lat. 117° 51.74' W. long.

~~(A)~~(B) Take of all living marine resources is prohibited except:

1. Only the following species may be taken recreationally: lobster, rockfish (family Scorpaenidae), greenling, lingcod, cabezon, yellowtail, mackerel, bluefin tuna, kelp bass, spotted sand bass, barred sand bass, sargo, croaker, queenfish, California corbina, white seabass, opaleye, halfmoon, surfperch (family Embiotocidae), blacksmith, Pacific barracuda, California sheephead, Pacific bonito, California halibut, sole, turbot, and sanddab. Finfish shall be taken only by hook and line or by spearfishing gear.

2. Only spiny lobster may be taken commercially.

~~(66)~~(82) Crystal Cove State Marine Conservation Area.

(A) This area is bounded by the mean high tide line, the 20-fathom depth contour, and the following points:

33° 35.05' N. lat. 117° 51.74' W. long.;

33° 34.76' N. lat. 117° 52.32' W. long.;

33° 33.27' N. lat. 117° 49.62' W. long.; and

33° 33.40' N. lat. 117° 49.18' W. long.

(A)(B) Take of all living marine resources is prohibited except:

1. Only the following species may be taken recreationally: finfish, chiones, clams, cockles, rock scallops, native oysters, crabs, ~~lobsters~~lobster, ghost shrimp, sea urchins, mussels and marine worms except that no worms may be taken in any mussel bed unless taken incidentally to the take of mussels.

2. Only the following species may be taken commercially: finfish, crabs, ghost shrimp, jackknife clams, sea urchins, algae except giant kelp (Macrocystis pyrifera) and bull kelp (Nereocystis spp.) and worms except that no worms may be taken in any mussel bed, nor may any person pick up, remove, detach from the substrate any other organisms, or break up, move or destroy any rocks or other substrate or surfaces to which organisms are attached.

(67)(83) Irvine Coast State Marine Conservation Area.

(A) This area is bounded by the mean high tide line, a distance of 600 feet ~~offshore~~seaward of mean lower low water, and the following points:

33° 35.05' N. lat. 117° 51.74' W. long.;

33° 35.00' N. lat. 117° 51.84' W. long.;

33° 33.37' N. lat. 117° 49.28' W. ~~long~~long.; and

33° 33.40' N. lat. 117° 49.18' W. long.

(A)(B) Take of all living marine resources is prohibited except:

1. Only the following species may be taken recreationally: lobster, rockfish (family Scorpaenidae), greenling, lingcod, cabezon, yellowtail, mackerel, bluefin tuna, kelp bass, spotted sand bass, barred sand bass, sargo, croaker, queenfish, California corbina, white seabass, opaleye, halfmoon, surfperch (family Embiotocidae), blacksmith, Pacific barracuda, California sheephead, Pacific bonito, California halibut, sole, turbot, and sanddab. Finfish shall be taken only by hook and line or by spearfishing gear.

2. Only spiny lobster may be taken commercially.

(68)(84) Laguna Beach State Marine Conservation Area.

(A) This area is bounded by the mean high tide line, a distance of 600 feet ~~offshore~~seaward of mean lower low water, and the following points:

33° 32.86' N. lat. 117° 48.35' W. long.;

33° 32.78' N. lat. 117° 48.45' W. long.;

33° 30.37' N. lat. 117° 45.17' W. long.; and

33° 30.43' N. lat. 117° 45.06' W. long.

(A)(B) Take of all living marine resources is prohibited except:

1. Only the following species may be taken recreationally: lobster, rockfish (family Scorpaenidae), greenling, lingcod, cabezon, yellowtail, mackerel, bluefin tuna, kelp bass, spotted sand bass, barred sand bass, sargo, croaker, queenfish, California corbina, white seabass, opaleye, halfmoon, surfperch (family Embiotocidae), blacksmith, Pacific barracuda, California sheephead, Pacific bonito, California halibut,

sole, turbot, and sanddab. Finfish shall be taken only by hook and line or by spearfishing gear.

2. Only spiny lobster may be taken commercially.

~~(69)~~(85) Heisler Park State Marine Reserve.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

33° 32.66' N. lat. 117° 47.61' W. long.;

33° 32.53' N. lat. 117° 47.66' W. long.;

33° 32.43' N. lat. 117° 47.26' W. long.; and

33° 32.56' N. lat. 117° 47.30' W. long.

(B) Take of all living marine resources is prohibited.

~~(A)~~(C) Boats may be launched and retrieved only in designated areas and may be anchored within the reserve only during daylight hours.

~~(70)~~(86) South Laguna Beach State Marine Conservation Area.

(A) This area is bounded by the mean high tide line, the 20-foot depth contour, and the following points:

33° 30.43' N. lat. 117° 45.06' W. long.;

33° 30.37' N. lat. 117° 45.17' W. long.;

33° 30.04' N. lat. 117° 44.91' W. long.; and

33° 30.15' N. lat. 117° 44.81' W. long.

~~(A)~~(B) Take of all living marine resources is prohibited except:

1. Only the following species may be taken recreationally: lobster, rockfish (family Scorpaenidae), greenling, lingcod, cabezon, yellowtail, mackerel, bluefin tuna, kelp bass, spotted sand bass, barred sand bass, sargo, croaker, queenfish, California corbina, white seabass, opaleye, halfmoon, surfperch (family Embiotocidae), blacksmith, Pacific barracuda, California sheephead, Pacific bonito, California halibut, sole, turbot, and sanddab. Finfish shall be taken only by hook and line or by spearfishing gear.

2. Only spiny lobster may be taken commercially.

~~(71)~~(87) Niguel State Marine Conservation Area.

(A) This area is bounded by the mean high tide line, a distance of 1200 feet offshore seaward of mean lower low water, and the following points:

33° 29.15' N. lat. 117° 44.05' W. long.;

33° 29.15' N. lat. 117° 44.30' W. long.;

33° 27.74' N. lat. 117° 43.18' W. long.; and

33° 27.74' N. lat. 117° 42.95' W. long.

~~(A)~~(B) Take of all living marine resources is prohibited except:

1. Only the following species may be taken recreationally: lobster, rockfish (family Scorpaenidae), greenling, lingcod, cabezon, yellowtail, mackerel, bluefin tuna, kelp bass, spotted sand bass, barred sand bass, sargo, croaker, queenfish, California corbina, white seabass, opaleye, halfmoon, surfperch (family Embiotocidae), blacksmith, Pacific barracuda, California sheephead, Pacific bonito, California halibut, sole, turbot, and sanddab. Finfish shall be taken only by hook and line or by spearfishing gear.

2. Only spiny lobster may be taken commercially.

~~(72)~~(88) Dana Point State Marine Conservation Area.

~~(A)~~ This area is bounded by the mean high tide line, a distance of 1200 feet ~~offshore seaward of mean lower low water~~, and the following points:

33° 27.74' N. lat. 117° 42.95' W. long.;

33° 27.74' N. lat. 117° 43.18' W. long.;

33° 27.47' N. lat. 117° 42.28' W. long.; and

33° 27.63' N. lat. 117° 42.45' W. long.

~~(A)~~~~(B)~~ Take of all living marine resources is prohibited except:

1. Only the following species may be taken recreationally below the mean lower low-water mark: lobster, rockfish (family Scorpaenidae), greenling, lingcod, cabezon, yellowtail, mackerel, bluefin tuna, kelp bass, spotted sand bass, barred sand bass, sargo, croaker, queenfish, California corbina, white seabass, opaleye, halfmoon, surfperch (family Embiotocidae), blacksmith, Pacific barracuda, California sheephead, Pacific bonito, California halibut, sole, turbot, and sanddab. Finfish shall be taken only by hook and line or by spearfishing gear.

2. Only spiny lobster may be taken commercially.

~~(B)~~~~(C)~~ Except as expressly provided in this section, it is unlawful to enter the intertidal zone in the Dana Point State Marine Park for the purpose of taking or possessing, or to take or possess, any species of fish, plant, or invertebrate, or part thereof; to use or have in possession any contrivance designed to be used for catching fish; to disturb any native plant, fish, wildlife, aquatic organism; or to take or disturb any natural geological feature. This subdivision does not prohibit persons from entering the intertidal zone for the purpose of entertainment, recreation, and education while having a minimum impact on the intertidal environment and the living organisms therein. For this purpose, minimum impact includes foot traffic; general observation of organisms in their environment with immediate replacement of any unattached organisms to their natural location after temporary lifting for examination; and photography. Minimum impact does not include removal of attached organisms from their environment; gathering of fishing bait; littering, collecting rocks and shells; or turning rocks or other acts destructive to the environment.

~~(C)~~~~(D)~~ The department director may appoint a director of the Dana Point State Marine Park.

1-~~(E)~~ The director of the Dana Point State Marine Park may issue a special collecting permit authorizing any person to enter the park for the purposes of scientific collecting under the conditions of a scientific collector's permit issued by the department.

~~(D)~~~~(F)~~ Notwithstanding subsections 632(b)(67)(A) or 632(b)(67)(B) 632(b)(88)(B) or 632(b)(88)(C), the director of the Dana Point State Marine Park, or any person who has a scientific collector's permit from the department and to whom the director of the Dana Point State Marine Park has issued a special collecting permit may take, for scientific purposes, any fish or specimen of marine plant life under the conditions prescribed by the department.

~~(E)~~~~(G)~~ This section does not prohibit the entry of state and local law enforcement officers, fire suppression agencies, and employees of the department in the performance of their official duties. This section does not prohibit or restrict navigation in the Dana Point State Marine Park pursuant to federal law.

~~(73)~~~~(89)~~ Doheny Beach State Marine Conservation Area.

(A) This area is bounded by the mean high tide line, a distance of 600 feet ~~offshore~~seaward of mean lower low water, and the following points:

33° 27.70' N. lat. 117° 41.38' W. long.;

33° 27.60' N. lat. 117° 41.38' W. long.;

33° 27.27' N. lat. 117° 40.28' W. long.; and

33° 27.35' N. lat. 117° 40.21' W. long.

(A)(B) Take of all living marine resources is prohibited except:

1. Only the following species may be taken recreationally: lobster, rockfish (family Scorpaenidae), greenling, lingcod, cabezon, yellowtail, mackerel, bluefin tuna, kelp bass, spotted sand bass, barred sand bass, sargo, croaker, queenfish, California corbina, white seabass, opaleye, halfmoon, surfperch (family Embiotocidae), blacksmith, Pacific barracuda, California sheephead, Pacific bonito, California halibut, sole, turbot, and sanddab. Finfish shall be taken only by hook and line or by spearfishing gear.

2. Only spiny lobster may be taken commercially.

(74)(90) Doheny State Marine Conservation Area.

(A) This area is bounded by the mean high tide line, a distance of 1,500 feet ~~offshore~~seaward of mean lower low water, and the following points:

33° 27.70' N. lat. 117° 41.38' W. long.;

33° 27.45' N. lat. 117° 41.39' W. long.;

33° 27.15' N. lat. 117° 40.38' W. long.; and

33° 27.35' N. lat. 117° 40.21' W. long.

(A)(B) Take of all living marine resources is prohibited except:

1. Only the following species may be taken recreationally: ~~(A) No recreational take of living or non-living marine resources is allowed except:~~ finfish, chiones, clams, cockles, rock scallops, native oysters, crabs, ~~lobsters~~lobster, ghost shrimp, sea urchins, mussels and marine worms except that no worms may be taken in any mussel bed unless taken incidentally to the take of mussels. ~~Commercial take is allowed.~~

2. Commercial take is allowed.

(75)(91) Buena Vista Lagoon State Marine Park.

(A) This area consists of waters below the mean high tide line within the Buena Vista Lagoon Ecological Reserve.

(A)(B) Take of all living marine resources is prohibited except the recreational take of species other than kelp by hook and line in designated areas and at designated times only.

(B)(C) Boating, swimming, wading, and diving are prohibited within the park.

(C)(D) The County of San Diego, after consultation with the department, may carry out management activities for fish and wildlife, flood control and vector control. Authorized operation and maintenance activities shall include, but shall not be limited to, use of chemicals, vegetation control, water control and use of associated equipment.

(76)(92) Agua Hedionda Lagoon State Marine Reserve.

(A) This area consists of waters below the mean high tide line within the Agua Hedionda Lagoon Ecological Reserve.

(B) Take of all living marine resources is prohibited.

(A)(C) The department, and the County of San Diego, after consultation with the department, may carry out management activities for fish and wildlife, flood control and

vector control. Authorized operation and maintenance activities shall include, but shall not be limited to, use of chemicals, vegetation control, water control and use of associated equipment.

~~(77)~~(93) Batiquitos Lagoon State Marine Park.

(A) This area consists of waters below the mean high tide line within the Batiquitos Lagoon Ecological Reserve.

~~(A)~~(B) Take of all living marine resources is prohibited except the recreational take of finfish by hook and line from shore.

~~(B)~~(C) Boating, swimming, wading, and diving are prohibited within the park.

~~(C)~~(D) San Diego County, after consultation with the department, may carry out management activities necessary for fish and wildlife management, flood control and vector control. Authorized operation and maintenance activities shall include, but shall not be limited to, use of chemicals, vegetation control, water control and associated use of equipment.

~~(78)~~(94) Encinitas State Marine Conservation Area.

(A) This area is bounded by the mean high tide line, as distance of 600 feet ~~offshore~~seaward of mean lower low water, and the following points:

33° 02.74' N. lat. 117° 17.88' W. long.;

33° 02.70' N. lat. 117° 18.00' W. long.;

33° 01.98' N. lat. 117° 17.64' W. long.; and

33° 02.04' N. lat. 117° 17.54' W. long.

~~(A)~~(B) Take of all living marine resources is prohibited except the commercial and recreational take of finfish.

~~(79)~~(95) Cardiff-San Elijo State Marine Conservation Area.

(A) This area is bounded by the mean high tide line, a distance of 3000 feet ~~offshore~~seaward of mean lower low water, and the following points:

33° 02.04' N. lat. 117° 17.54' W. long.;

33° 01.75' N. lat. 117° 18.03' W. long.;

33° 00.06' N. lat. 117° 17.27' W. long.; and

33° 00.29' N. lat. 117° 16.73' W. long.

~~(A)~~(B) Take of all living marine resources is prohibited except:

1. Only the following species may be taken recreationally: ~~(A) No recreational take of living or non-living marine resources is allowed except:~~ finfish, chiones, clams, cockles, rock scallops, native oysters, crabs, ~~lobsters~~lobster, ghost shrimp, sea urchins, mussels and marine worms except that no worms may be taken in any mussel bed unless taken incidentally to the take of mussels. ~~Commercial take is allowed.~~

2. Commercial take is allowed.

~~(80)~~(96) San Elijo Lagoon State Marine Park.

(A) This area consists of waters below the mean high tide line within the San Elijo Lagoon Ecological Reserve.

~~(A)~~(B) Take of all living marine resources is prohibited except the recreational take of finfish by hook and line from shore.

~~(B)~~(C) Boating, swimming, wading, and diving are prohibited within the park.

~~(C)~~(D) San Diego County, after consultation with the department, may carry out management activities for fish and wildlife management, flood control, vector control and regional park recreational activities. Authorized operation and maintenance

activities shall include, but shall not be limited to, use of chemicals, vegetation control, water control, minor ditching and use of associated equipment.

~~(D)~~(E) Collections may be made by the department for purposes of fish and wildlife management or by San Diego County for the purpose of water quality testing and vector control.

~~(84)~~(97) San Dieguito Lagoon State Marine Park.

(A) This area consists of waters below the mean high tide line within the San Dieguito Lagoon Ecological Reserve.

~~(A)~~(B) Take of all living marine resources is prohibited except the recreational take of finfish by hook and line from shore and the Grand Avenue bridge.

~~(B)~~(C) Boating, swimming, wading, and diving are prohibited within the park.

~~(C)~~(D) No person, except state and local law enforcement officers, fire suppression agencies and employees of the department in the performance of their official duties or persons possessing written permission from the department, shall be permitted on the California least tern nesting island.

~~(D)~~(E) No person, except state and local law enforcement officers, fire suppression agencies and employees of the department in the performance of their official duties or persons possessing written permission from the department, shall enter this park between 8:00 p.m. and 5:00 a.m.

~~(E)~~(F) The County of San Diego, after consultation with the department, may carry out management activities for fish and wildlife, flood control and vector control. Authorized operation and maintenance activities shall include, but shall not be limited to, use of chemicals, vegetation control, water control and use of associated equipment.

~~(F)~~(G) Collections of fish, wildlife, water and soil may be made by the department for the purposes of fish and wildlife management or by San Diego County for the purposes of water quality testing and vector control.

~~(82)~~(98) San Diego-Scripps State Marine Conservation Area.

(A) This area is bounded by the mean high tide line, a distance of 1000 feet ~~offshore~~seaward of mean lower low water, and the following points:

32° 52.28' N. lat. 117° 15.16' W. long.;

32° 52.32' N. lat. 117° 15.34' W. long.;

32° 51.86' N. lat. 117° 15.48' W. long.; and

32° 51.86' N. lat. 117° 15.28' W. long.;

~~(A)~~(B) Take of all living marine resources is prohibited except the commercial and recreational take of finfish.

~~(B)~~(C) Licensees of the Regents of the University of California and all officers, employees, and students of such university may take, for scientific purposes, any invertebrate or specimen of marine plant life without a permit from the department.

~~(83)~~(99) La Jolla State Marine Conservation Area.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

32° 51.86' N. lat. 117° 15.28' W. long.;

32° 51.86' N. lat. 117° 16.25' W. long.;

32° 51.22' N. lat. 117° 16.17' W. long.; and

32° 51.07' N. lat. 117° 16.40' W. long.

~~(A)~~(B) Take of all living marine resources is prohibited except the commercial bait fishing for take of squid for bait by use of hand-held scoop net west of a line drawn due north from Goldfish Point (34° 51.00' N. lat. 119° 16.17' W. long.).

~~(B)~~(C) Boats may be launched and retrieved only in designated areas and may be anchored within the conservation area only during daylight hours.

~~(84)~~(100) Mia J. Tegner State Marine Conservation Area.

(A) This area is bounded by the mean high tide line, a distance of 150 feet ~~offshore~~seaward of mean lower low water, and the following points:

32° 40.27' N. lat. 117° 14.73' W. long.;

32° 40.27' N. lat. 117° 14.76' W. long.;

32° 39.91' N. lat. 117° 14.42' W. long.; and

32° 39.94' N. lat. 117° 14.44' W. long.

~~(A)~~ Take of all living marine resources is prohibited except the recreational take of finfish and the commercial take of finfish and marine aquatic plants.

(B) Take of all living marine resources is prohibited except:

1. The recreational take of finfish is allowed.

2. The commercial take of finfish and marine aquatic plants is allowed.

Note: Authority cited: Sections 200, 202, 203.1, 205(c), 219, 220, 1590, 1591, 2860, 2861, and 6750, Fish and Game Code; and Sections 36725(a) and 36725(e), Public Resources Code. Reference: Sections 200, 202, 203.1, 205(c), 219, 220, 1580, 1583, 2861, 5521, 6653, 8420(e) and 8500, Fish and Game Code; and Sections 36700(e), 36710(e), 36725(a) and 36725(e), Public Resources Code.

Alternative 1 - Changes to portions of Sections 165 and 632 not shown here remain as in the preferred:

Section 632, Title 14, CCR is amended to read:

...

(27) Año Nuevo State Marine Reserve.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed

37° 09.87' N. lat. 122° 21.75' W. long.;

37° 09.87' N. lat. 122° 21.85' W. long.;

37° 06.91' N. lat. 122° 19.10' W. long.; and

37° 07.02' N. lat. 122° 19.10' W. long.

(B) Take of all living marine resources is prohibited.

~~(27) Special Closure: Año Nuevo Invertebrate Area This area is bounded by the mean high tide line and the following points within the Año Nuevo State Reserve:~~

~~37° 09.87' N. lat. 122° 21.76' W. long; and~~

~~37° 06.98' N. lat. 122° 18.37' W. long.~~

~~(A) No invertebrates shall be taken except:~~

~~1. Recreational take of invertebrates is allowed except between the high tide mark and 100 feet beyond the low tide mark between November 30 and April 30.~~

~~2. Commercial take of the following invertebrates is allowed: crabs, ghost shrimp, jackknife clams, sea urchins, squid, and worms, except that no worms may be taken in any mussel bed, nor may any person pick up, remove, detach from the substrate any other organisms, or break up remove or destroy any rocks or other substrate or surfaces to which organisms are attached.~~

(28) Greyhound Rock State Marine Conservation Area.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

37° 07.02' N. lat. 122° 19.10' W. long.;

37° 02.50' N. lat. 122° 19.03' W. long.;

37° 02.50' N. lat. 122° 16.46' W. long.; and

37° 05.48' N. lat. 122° 16.53' W. long.

(B) Take of all living marine resources is prohibited except the commercial and recreational take of pelagic finfish [subsection 632(a)(3)], Dungeness crab, and squid except that not more than five percent (5%) by landed weight of any commercial squid catch may be other species taken incidentally to squid. Salmon may only be taken in waters greater than 25 fathoms.

(29) Greyhound Rock State Marine Reserve.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

37° 05.48' N. lat. 122° 16.53' W. long.;

37° 02.50' N. lat. 122° 16.46' W. long.; and

37° 02.50' N. lat. 122° 13.91' W. long.

(B) Take of all living marine resources is prohibited.

~~(28)(30) Elkhorn Slough State Marine Reserve. This area is bounded by the mean high tide line and the 1.5 fathom depth contour within the Elkhorn Slough Ecological Reserve (National Estuarine Research Reserve). following points:~~

(A) This area includes the waters below mean high tide within Elkhorn Slough east of the Highway 1 Bridge west of the Elkhorn Road Bridge.

(B) Take of all living marine resources is prohibited.

(A) A \$2.00 day use pass or a valid \$10.00 annual wildlife pass is required of all users of Elkhorn Slough Ecological Reserve except: users that possess a valid California sport fishing license, hunting license or trapping license; users that are under 16 years of age; or users that are part of an organized youth or school group and having free permits issued by the appropriate regional office. Refer to subsections 550(b)(4) and (5), Title 14, CCR, for regulations for fee requirements for wildlife areas.

(31) Moro Cojo Estuary State Marine Reserve.

(A) This area includes the waters within Moro Cojo Slough below mean high tide and between the Highway 1 Bridge and the crossing of the Southern Pacific Railroad tracks.

(B) Take of all living marine resources is prohibited.

(32) Monterey Submarine Canyon No Bottom Contact State Marine Conservation Area.

(A) This area is bounded by straight lines connecting the following points in the order listed:

36° 47.50' N. lat. 122° 02.71' W. long.;

36° 47.50' N. lat. 121° 58.98' W. long.;

36° 42.01' N. lat. 121° 59.00' W. long.;

36° 42.00' N. lat. 122° 01.08' W. long.; and

36° 47.50' N. lat. 122° 02.71' W. long.

(B) Take of all living marine resources is prohibited except the commercial and recreational take of pelagic finfish [subsection 632(a)(3)] and squid except that not more than five percent (5%) by landed weight of any commercial squid catch may be other species taken incidentally to squid.

(33) Ed Ricketts State Marine Conservation Area.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

36° 36.57' N. lat. 121° 53.73' W. long.;

36° 36.58' N. lat. 121° 53.85' W. long.;

36° 37.00' N. lat. 121° 53.68' W. long.;

36° 37.22' N. lat. 121° 53.85' W. long.; and

36° 37.10' N. lat. 121° 54.08' W. long.

(B) Take of all living marine resources is prohibited except:

1. The recreational take of finfish by hook and line is allowed.

2. The commercial take of giant kelp (*Macrocystis pyrifera*) and bull kelp (*Nereocystis spp.*) is allowed by hand in the area defined by subsection 165(c)(4)(D).

(29)(34) Hopkins State Marine Reserve.

(A) This area is bounded by the mean high tide line, the 10-fathom depth contour, and straight lines connecting the following points in the order listed:

36° 37.25' N. lat. 121° 54.50' W. long.;

36° 37.63' N. lat. 121° 54.34' W. long.;

36° 37.22' N. lat. 121° 53.85' W. long.; and

36° 37.10' N. lat. 121° 54.09' W. long.

36° 37.10' N. lat. 121° 54.08' W. long.;

36° 37.22' N. lat. 121° 53.85' W. long.;

36° 37.63' N. lat. 121° 54.34' W. long.; and

36° 37.60' N. lat. 121° 54.91' W. long.

(B) Take of all living marine resources is prohibited.

~~(A) The director of the Hopkins State Marine Reserve, or any person to whom the director of the reserve has issued a permit, may take, for scientific purposes, any fish or specimen of marine plant life under the conditions prescribed by the department or the director of the reserve.~~

~~(30)~~(35) Pacific Grove-Monterey State Marine Conservation Area.

(A) This area is bounded by the mean high tide line, the 10-fathom depth contour, and straight lines connecting the following points in the order listed:

36° 37.09' N. lat. 121° 56.49' W. long.;

36° 37.34' N. lat. 121° 57.34' W. long.;

36° 37.63' N. lat. 121° 54.34' W. long.; and

36° 37.25' N. lat. 121° 54.50' W. long.

36° 37.60' N. lat. 121° 54.91' W. long.;

36° 37.63' N. lat. 121° 54.34' W. long.;

36° 39.00' N. lat. 121° 54.34' W. long.;

36° 39.00' N. lat. 121° 57.00' W. long.;

36° 37.00' N. lat. 121° 57.00' W. long.; and

36° 37.00' N. lat. 121° 56.56' W. long.

~~(A)~~(B) Take of all living marine resources is prohibited except:

1. Only the following species may be taken recreationally: finfish, Dungeness crab, and squid, and invertebrates other than mollusks or crustaceans.

2. Only the following species may be taken commercially by ring net, lampara net, or bait net: sardines, mackerel, anchovies, and herring pelagic finfish [subsection 632(a)(3)], Dungeness crab, giant kelp (*Macrocystis pyrifera*), bull kelp (*Nereocystis spp.*), and squid except that not more than five percent (5%) by landed weight of any commercial squid catch may be other species taken incidentally to squid.

(36) Carmel Pinnacles State Marine Reserve.

(A) This area is bounded by straight lines connecting the following points in the order listed:

36° 33.64' N. lat. 121° 57.60' W. long.;

36° 33.64' N. lat. 121° 58.39' W. long.;

36° 33.09' N. lat. 121° 58.40' W. long.;

36° 33.09' N. lat. 121° 57.60' W. long.; and

36° 33.64' N. lat. 121° 57.60' W. long.;

(B) Take of all living marine resources is prohibited.

~~(31)~~(37) Carmel Bay State Marine Conservation Area. This MPA is comprised of two areas. The first is bounded by the mean high tide line, and a straight line connecting straight lines connecting the following points in the order listed:

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

36° 33.64' N. lat. 121° 57.07' W. long.; and

36° 31.40' N. lat. 121° 56.17' W. long.

The second consists of waters shallower than 15 fathoms within an area bounded by straight lines connecting straight lines connecting the following points in the order listed in the order listed:

36° 33.65' N. lat. 121° 58.40' W. long.;

36° 33.65' N. lat. 121° 57.60' W. long.;

36° 33.10' N. lat. 121° 57.60' W. long.;

36° 33.10' N. lat. 121° 58.40' W. long.; and

36° 33.65' N. lat. 121° 58.40' W. long.
36° 33.72' N. lat. 121° 57.10' W. long.;
36° 31.68' N. lat. 121° 56.28' W. long.; and
36° 31.68' N. lat. 121° 55.55' W. long.

(B) Take of all living marine resources is prohibited except:

1. The recreational take of finfish is allowed.
2. The commercial take of giant kelp (*Macrocystis pyrifera*), bull kelp (*Nereocystis spp.*) and squid is allowed. Not more than five percent (5%) by landed weight of any commercial squid catch may be other species taken incidentally to squid.

(A) Take of all living marine resources is prohibited except the recreational take of finfish by hook and line or spear and the commercial take of kelp under the following conditions:

1. Within Stillwater Cove kelp may be removed at any time to allow the passage and mooring of boats between Pescadero Rocks and Arrowhead Point.
2. If, at any time, the director of the department finds that the harvesting of kelp will tend to destroy or impair any kelp bed or beds, or parts thereof, or tend to impair or destroy the supply of any food for fish or wildlife, the director shall serve on every person licensed to harvest kelp a 48-hour advance, written notice that the kelp bed, or part thereof, will be closed to the harvesting of kelp for a period not to exceed one year. After service of such a notice, the person upon whom notice is served may appeal to the commission for a hearing to reopen the kelp bed or part thereof.
3. Not more than five percent (5%) of the total weight of kelp harvested in any one day shall consist of bull kelp (*Nereocystis spp.*).
4. Any licensed person or company intending to harvest kelp within the conservation area shall give the department's marine region manager, or designee, at least 48 hours written or oral notice of the intention to harvest. At the option of the department, the licensed person or company shall allow an observer selected by the department to accompany the harvester during such harvest.
5. Not more than 50 percent (50%) of the kelp within Administrative Kelp Bed 219 shall be harvested in any four-month period.

(32)(38) Point Lobos State Marine Reserve.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

36° 31.40' N. lat. 121° 56.17' W. long.;
36° 31.60' N. lat. 121° 56.27' W. long.;
36° 31.50' N. lat. 121° 57.63' W. long.;
36° 30.81' N. lat. 121° 57.99' W. long.;
36° 30.33' N. lat. 121° 56.69' W. long.; and
36° 30.33' N. lat. 121° 56.33' W. long.
36° 31.68' N. lat. 121° 55.55' W. long.;
36° 31.68' N. lat. 121° 58.00' W. long.;
36° 29.43' N. lat. 121° 58.00' W. long.; and
36° 29.43' N. lat. 121° 56.76' W. long.

(B) Take of all living marine resources is prohibited.

(A) Boats may be launched and retrieved only in designated areas and may be anchored within the reserve only during daylight hours.

(C) Within the portion of the Point Lobos State Marine Reserve which also falls within the boundary of the Point Lobos State Reserve (State Park Unit), restrictions on boating

and diving activities exist. Contact the California Department of Parks and Recreation for current restrictions.

(39) Point Lobos State Marine Conservation Area.

(A) This area is bounded by straight lines connecting the following points in the order listed except where noted:

36° 31.68' N. lat. 121° 58.00' W. long.;

36° 28.01' N. lat. 121° 58.01' W. long.; thence southward along the three nautical mile offshore boundary to

36° 28.01' N. lat. 122° 00.25' W. long.;

36° 31.68' N. lat. 122° 01.39' W. long.; and

36° 31.68' N. lat. 121° 58.00' W. long.

(B) Take of all living marine resources is prohibited except:

1. The recreational take of salmon is allowed

2. The commercial take of salmon and spot prawn is allowed.

(40) Point Sur Deep Reef State Marine Conservation Area.

(A) This area is bounded by straight lines connecting the following points in the order listed except where noted:

36° 21.00' N. lat. 121° 58.37' W. long.; thence southward along the three nautical mile offshore boundary to

36° 15.40' N. lat. 121° 55.50' W. long.;

36° 15.40' N. lat. 121° 53.44' W. long.; and

36° 21.00' N. lat. 121° 58.37' W. long.

(B) Take of all living marine resources is prohibited except the recreational and commercial take of pelagic finfish [subsection 632(a)(3)].

~~(33) Julia Pfeiffer Burns State Marine Conservation Area. This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:~~

~~36° 10.50' N. lat. 121° 41.90' W. long.;~~

~~36° 09.60' N. lat. 121° 42.40' W. long.;~~

~~36° 08.30' N. lat. 121° 40.80' W. long.;~~

~~36° 09.20' N. lat. 121° 40.25' W. long.; and~~

~~36° 09.25' N. lat. 121° 40.05' W. long.~~

~~(A) Take of all living marine resources is prohibited except:~~

~~1. Only the following species may be taken recreationally: finfish, chiones, clams, cockles, rock scallops, native oysters, crabs, lobsters, ghost shrimp, sea urchins, mussels and marine worms except that no worms may be taken in any mussel bed unless taken incidentally to the take of mussels.~~

~~2. Only the following species may be taken commercially: finfish, crabs, ghost shrimp, jackknife clams, sea urchins, squid, kelp and worms except that no worms may be taken in any mussel bed, nor may any person pick up, remove, detach from the substrate any other organisms, or break up, move or destroy any rocks or other substrate or surfaces to which organisms are attached.~~

(41) Julia Pfeiffer Burns State Marine Reserve.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

36° 10.00' N. lat. 121° 41.01' W. long.;

36° 10.00' N. lat. 121° 42.61' W. long.;

36° 06.50' N. lat. 121° 38.93' W. long.; and

36° 06.50' N. lat. 121° 37.60' W. long.

(B) Take of all living marine resources is prohibited.

(42) Julia Pfeiffer Burns Offshore State Marine Reserve.

(A) This area is bounded by straight lines connecting the following points in the order listed except where noted:

36° 10.00' N. lat. 121° 42.61' W. long.;

36° 10.00' N. lat. 121° 46.97' W. long.; thence southward along the three nautical mile offshore boundary to

36° 08.20' N. lat. 121° 44.23' W. long.;

36° 08.25' N. lat. 121° 40.77' W. long.; and

36° 10.00' N. lat. 121° 42.61' W. long.

(B) Take of all living marine resources is prohibited.

(43) Juila Pfeiffer Burns Offshore State Marine Conservation Area.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

36° 08.25' N. lat. 121° 40.77' W. long.;

36° 08.20' N. lat. 121° 44.23' W. long.; thence southward along the three nautical mile offshore boundary to

36° 06.50' N. lat. 121° 42.48' W. long.;

36° 06.50' N. lat. 121° 38.93' W. long.; and

36° 08.25' N. lat. 121° 40.77' W. long.

(B) Take of all living marine resources is prohibited except the commercial and recreational take of salmon and commercial take of spot prawn.

(34)(44) Big Creek State Marine Reserve.

(A) This area is bounded by the mean high tide line, the 50 fathom depth contour, and straight lines connecting the following points in the order listed:

36° 05.31' N. lat. 121° 37.10' W. long.;

36° 05.31' N. lat. 121° 38.24' W. long.;

36° 03.65' N. lat. 121° 37.04' W. long.; and

36° 03.65' N. lat. 121° 35.50' W. long.

36° 03.64' N. lat. 121° 35.55' W. long.

(B) Take of all living marine resources is prohibited.

(A) Swimming. No person shall swim, wade, dive, or use any diving equipment within the Big Creek State Marine Reserve except as authorized pursuant to scientific research approved by the department.

(B) Boating. Except as allowed pursuant to Federal law, no person shall launch or operate a boat or other floating device within the Big Creek State Marine Reserve except to pass through the area during the normal course of vessel transit along the coast, to avoid inclement weather, or pursuant to scientific research approved by the department.

(C) Firearms. No person shall possess, fire, or discharge any firearm, bow and arrow, air or gas gun, spear gun, or any other weapon of any kind within, or into the Big Creek State Marine Reserve except as authorized pursuant to scientific research approved by the department.

(D) Public Entry. Public entry into the Big Creek State Marine Reserve may be restricted at the discretion of the department to protect wildlife, aquatic life, or habitat. No person, except state and local law enforcement officers, fire suppression agencies and employees of the department in the performance of their official duties or persons possessing written permission from the department, or institution or agency entering

into a memorandum of understanding (MOU) with the department, may enter an area which is closed to public entry.

(E) Pesticides, Herbicides, and Other Regulated Chemicals. The use of pesticides, herbicides, and other regulated chemicals is prohibited in the Big Creek State Marine Reserve except as authorized pursuant to scientific research approved by the department. Where such chemicals are intended to be used as a part of any research program, any necessary authorization and/or permits required to dispense such chemicals into state waters or tide and submerged lands shall be obtained prior to final approval of the research by the department.

(F) Litter. No person shall deposit, drop, or scatter any debris on the Big Creek State Marine Reserve. Any refuse resulting from a person's use of an area must be removed from that area by such person.

(G) Aircraft. No person shall operate any aircraft or hovercraft within the Big Creek State Marine Reserve, except as authorized pursuant to scientific research approved by the department.

(H) Pets. Pets, including but not limited to, dogs and cats, are prohibited from entering the Big Creek State Marine Reserve unless authorized by the department.

(I) Memorandum of Understanding (MOU). The department may enter into MOU's with colleges, universities, and other bonafide research organizations, to conduct marine-related research within the Big Creek State Marine Reserve.

(J) The Department shall only approve research within the Big Creek State Marine Reserve which is compatible with research underway within the reserve area prior to its establishment by the commission, such research compatibility to be determined by contacting the Reserve Manager for the Landels-Hill Big Creek Reserve prior to authorizing research within the reserve.

(45) Alder Creek State Marine Reserve.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

35° 53.34' N. lat. 121° 27.89' W. long.;

35° 53.32' N. lat. 121° 29.13' W. long.;

35° 50.00' N. lat. 121° 25.34' W. long.; and

35° 50.00' N. lat. 121° 23.74' W. long.

(B) Take of all living marine resources is prohibited.

(46) Alder Creek State Marine Conservation Area.

(A) This area is bounded by straight lines connecting the following points in the order listed except where noted:

35° 53.32' N. lat. 121° 29.13' W. long.;

35° 53.31' N. lat. 121° 32.17' W. long.; thence southward along the three nautical mile offshore boundary to

35° 49.99' N. lat. 121° 29.29' W. long.;

35° 50.00' N. lat. 121° 25.34' W. long.; and

35° 53.32' N. lat. 121° 29.13' W. long.

(B) Take of all living marine resources is prohibited except the commercial and recreational take of pelagic finfish [subsection 632(a)(3)].

(47) Point Piedras Blancas State Marine Reserve.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

35° 39.84' N. lat. 121° 17.07' W. long.;

35° 39.83' N. lat. 121° 17.07' W. long.;
35° 39.49' N. lat. 121° 16.15' W. long.;
35° 39.49' N. lat. 121° 15.16' W. long.;
35° 39.05' N. lat. 121° 13.64' W. long.; and
35° 39.12' N. lat. 121° 13.64' W. long.

(B) Take of all living marine resources is prohibited.

(48) Cambria State Marine Conservation Area.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

35° 35.82' N. lat. 121° 07.74' W. long.;
35° 35.80' N. lat. 121° 09.01' W. long.;
35° 32.25' N. lat. 121° 06.53' W. long.; and
35° 32.25' N. lat. 121° 05.28' W. long.

(B) The commercial take of all living marine resources is prohibited. Recreational take is allowed.

~~(35) Atascadero Beach State Marine Conservation Area. This area is bounded by the mean high tide line, the three nautical mile offshore boundary, and straight lines connecting the following points in the order listed:~~

~~35° 23.64' N. lat. 120° 51.98' W. long.;~~
~~35° 23.50' N. lat. 120° 55.98' W. long.;~~
~~35° 22.10' N. lat. 120° 56.07' W. long.; and~~
~~35° 22.19' N. lat. 120° 52.20' W. long.;~~

~~(A) Take of clams is prohibited. Take of other living marine resources is allowed.~~

~~(36) Morro Beach State Marine Conservation Area. This area is bounded by the mean high tide line, the three nautical mile offshore boundary, and straight lines connecting the following points in the order listed:~~

~~35° 18.79' N. lat. 120° 52.30' W. long.;~~
~~35° 19.96' N. lat. 120° 55.90' W. long.;~~
~~35° 18.40' N. lat. 120° 56.35' W. long.; and~~
~~35° 17.13' N. lat. 120° 53.06' W. long.~~

~~(A) Take of clams is prohibited. Commercial take of giant kelp and bull kelp is prohibited. Take of other living marine resources is allowed.~~

~~(37) Pismo State Marine Conservation Area. This area is bounded by the mean high tide line, a distance of 1000 feet offshore, and straight lines connecting the following points in the order listed:~~

~~35° 07.65' N. lat. 120° 38.28' W. long.;~~
~~35° 07.60' N. lat. 120° 38.51' W. long.;~~
~~35° 07.28' N. lat. 120° 38.39' W. long.; and~~
~~35° 07.33' N. lat. 120° 38.17' W. long.~~

~~(A) Take of all invertebrates and marine aquatic plants is prohibited except the commercial take of algae other than giant kelp and bull kelp.~~

~~(38) Pismo-Oceano Beach State Marine Conservation Area. This area is bounded by the mean high tide line, the three nautical mile offshore boundary, and straight lines connecting the following points in the order listed:~~

~~35° 01.81' N. lat. 120° 38.07' W. long.;~~
~~35° 02.50' N. lat. 120° 41.69' W. long.;~~
~~34° 59.35' N. lat. 120° 42.50' W. long.; and~~
~~34° 58.48' N. lat. 120° 38.88' W. long.~~

~~(A) Take of clams is prohibited. Commercial take of giant kelp and bull kelp is prohibited. Take of other living marine resources is allowed.~~

(49) Morro Bay Harbor State Marine Conservation Area.

(A) This area includes the area below mean high tide within Morro Bay east of the Morro Bay entrance breakwater and north of latitude 35° 19.70' N.

(B) Commercial take of all living marine resources is prohibited except permitted aquaculture of oysters and storing finfish taken outside the Morro Bay Harbor State Marine Conservation Area in a receiver for bait purposes. Recreational take is allowed.

(50) Morro Bay South State Marine Recreational Management Area.

(A) This area includes the area below mean high tide within Morro Bay south of latitude 35° 19.70' N.

(B) Take of all living marine resources is prohibited.

(C) Recreational hunting of waterfowl is allowed unless otherwise restricted by hunting regulations (Sections 502, 550, 551, and 552).

(51) Point Buchon State Marine Reserve.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

35° 14.00' N. lat. 120° 52.91' W. long.;

35° 14.00' N. lat. 120° 54.00' W. long.;

35° 13.00' N. lat. 120° 53.27' W. long.; and

35° 13.00' N. lat. 120° 51.71' W. long.

(B) Take of all living marine resources is prohibited.

(52) Point Buchon State Marine Conservation Area.

(A) This area is bounded by straight lines connecting the following points in the order listed except where noted:

35° 14.00' N. lat. 120° 54.00' W. long.;

35° 14.00' N. lat. 120° 57.36' W. long.; thence southward along the three nautical mile offshore boundary to

35° 11.38' N. lat. 120° 55.49' W. long.;

35° 11.38' N. lat. 120° 52.08' W. long.; and

35° 14.00' N. lat. 120° 54.00' W. long.

(B) Take of all living marine resources is prohibited except the commercial and recreational take of salmon.

(53) Diablo Canyon Security Zone State Marine Conservation Area.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

35° 13.00' N. lat. 120° 51.71' W. long.;

35° 13.00' N. lat. 120° 53.27' W. long.;

35° 11.38' N. lat. 120° 52.08' W. long.;

35° 11.39' N. lat. 120° 50.33' W. long.; and

35° 11.91' N. lat. 120° 50.33' W. long.

(B) Take of all living marine resources is prohibited.

(C) Entry is prohibited except as allowed pursuant to Federal law.

~~(39)~~(54) Vandenberg State Marine Reserve.

(A) This area is bounded by the mean high tide line, the 10-fathom depth contour, and straight lines connecting the following points in the order listed:

34° 36.27' N. lat. 120° 38.54' W. long.;

34° 35.82' N. lat. 120° 39.22' W. long.;

34° 33.03' N. lat. 120° 38.45' W. long.; and
34° 33.36' N. lat. 120° 37.60' W. long.
34° 44.30' N. lat. 120° 37.58' W. long.;
34° 44.30' N. lat. 120° 38.50' W. long.;
34° 41.83' N. lat. 120° 38.49' W. long.;
34° 34.53' N. lat. 120° 40.23' W. long.;
34° 32.86' N. lat. 120° 38.89' W. long.; and
34° 33.37' N. lat. 120° 37.55' W. long.

(B) Take of all living marine resources is prohibited except take incidental to base operations and commercial space launch operations identified by the Vandenberg Air Force Base Commander as mission critical.

(C) Public Entry. Public entry into the Vandenberg State Marine Reserve may be restricted at the discretion of the department to protect wildlife, aquatic life, or habitat or by the Commander of Vandenberg Air Force Base to protect and provide safety for base operations.

(D) The Department shall enter into a Memorandum of Understanding (MOU) with the Commander of Vandenberg Air Force Base for the mutually beneficial management and administration of the Vandenberg State Marine Reserve. The MOU shall include, but not be limited to, the identification of Vandenberg Air Force Base's national defense mission activities that are unrestricted by the subject regulations and details on management and administrative roles and responsibilities.

~~(A) Swimming. No person shall swim, wade, dive, or use any diving equipment within the Vandenberg State Marine Reserve except as authorized pursuant to scientific research approved by the department.~~

~~(B) Boating. Except as allowed pursuant to Federal law, no person shall launch or operate a boat or other floating device within the Vandenberg State Marine Reserve except to pass through the area during the normal course of vessel transit along the coast, to avoid inclement weather, or pursuant to scientific research approved by the department.~~

~~(C) Firearms. No person shall possess, fire, or discharge any firearm, bow and arrow, air or gas gun, spear gun, or any other weapon of any kind within, or into the Vandenberg State Marine Reserve except as authorized pursuant to scientific research approved by the department.~~

~~(D) Public Entry. Public entry into the Vandenberg State Marine Reserve may be restricted at the discretion of the department to protect wildlife, aquatic life, or habitat. No person, except state and local law enforcement officers, fire suppression agencies and employees of the department in the performance of their official duties or persons possessing written permission from the department, or institution or agency entering into a memorandum of understanding (MOU) with the department, may enter an area which is closed to public entry.~~

~~(E) Pesticides, Herbicides, and Other Regulated Chemicals. The use of pesticides, herbicides, and other regulated chemicals is prohibited in the Vandenberg State Marine Reserve except as authorized pursuant to scientific research approved by the department. Where such chemicals are intended to be used as a part of any research program, any necessary authorization and/or permits required to dispense such chemicals into state waters or tide and submerged lands shall be obtained prior to final approval of the research by the department.~~

~~(F) Litter. No person shall deposit, drop, or scatter any debris on the Vandenberg State Marine Reserve. Any refuse resulting from a person's use of an area must be removed from that area by such person.~~

~~(G) Aircraft. No person shall operate any aircraft or hovercraft within the Vandenberg State Marine Reserve, except as authorized pursuant to scientific research approved by the department.~~

~~(H) Pets. Pets, including but not limited to, dogs and cats, are prohibited from entering the Vandenberg State Marine Reserve unless authorized by the department.~~

~~(I) Memorandum of Understanding (MOU). The department may enter into MOU's with colleges, universities, and other bonafide research organizations, including Vandenberg Air Force Base (VAFB), to conduct marine-related research within the Vandenberg State Marine Reserve.~~

~~(J) The department shall enter into a Memorandum of Understanding (MOU) with the Commander of Vandenberg Air Force Base for the management and administration of the Vandenberg State Marine Reserve. The MOU shall include all uses necessary and compatible with the Vandenberg Air Force Base's national defense mission.~~

(55) Vandenberg Danger Zone 4 State Marine Conservation Area.

(A) This area is bounded by straight lines connecting the following points in the order listed except where noted:

34° 41.83' N. lat. 120° 38.49' W. long.;

34° 41.83' N. lat. 120° 40.03' W. long.; thence southward along the three nautical mile offshore boundary to

34° 34.54' N. lat. 120° 42.86' W. long.;

34° 34.53' N. lat. 120° 40.23' W. long.; and

34° 41.83' N. lat. 120° 38.49' W. long.

(B) Take of all living marine resources is prohibited except the commercial and recreational take of salmon and crabs and take incidental to base operations and commercial space launch operations identified by the Vandenberg Air Force Base Commander as mission critical.

(C) Public Entry. Public entry into the Vandenberg Danger Zone 4 State Marine Conservation Area may be restricted at the discretion of the department to protect wildlife, aquatic life, or habitat or by the Commander of Vandenberg Air Force Base to protect and provide safety for base operations.

(D) The Department shall enter into a Memorandum of Understanding (MOU) with the Commander of Vandenberg Air Force Base for the mutually beneficial management and administration of the Vandenberg Danger Zone 4 State Marine Conservation Area. The MOU shall include, but not be limited to, the identification of Vandenberg Air Force Base's national defense mission activities that are unrestricted by the subject regulations and details on management and administrative roles and responsibilities.

...

Subsequent subsections will be renumbered beginning with 56...

Alternative 2 - Changes to portions of Sections 165 and 632 not shown here remain as in the preferred:

Section 632, Title 14, CCR is amended to read:

...

(27) Año Nuevo State Marine Reserve.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

37° 10.00' N. lat. 122° 21.80' W. long.;

37° 10.00' N. lat. 122° 22.11' W. long.;

37° 06.87' N. lat. 122° 20.43' W. long.;

37° 06.67' N. lat. 122° 20.76' W. long.;

37° 06.25' N. lat. 122° 20.50' W. long.;

37° 06.25' N. lat. 122° 19.71' W. long.;

37° 03.26' N. lat. 122° 19.63' W. long.; thence southward along the three nautical mile offshore boundary to

37° 02.50' N. lat. 122° 19.04' W. long.; and

37° 02.50' N. lat. 122° 13.91' W. long.

(B) Take of all living marine resources is prohibited.

~~(27) Special Closure: Año Nuevo Invertebrate Area This area is bounded by the mean high tide line and the following points within the Año Nuevo State Reserve:~~

~~37° 09.87' N. lat. 122° 21.76' W. long; and~~

~~37° 06.98' N. lat. 122° 18.37' W. long.~~

~~(A) No invertebrates shall be taken except:~~

~~1. Recreational take of invertebrates is allowed except between the high tide mark and 100 feet beyond the low tide mark between November 30 and April 30.~~

~~2. Commercial take of the following invertebrates is allowed: crabs, ghost shrimp, jackknife clams, sea urchins, squid, and worms, except that no worms may be taken in any mussel bed, nor may any person pick up, remove, detach from the substrate any other organisms, or break up remove or destroy any rocks or other substrate or surfaces to which organisms are attached.~~

(28) Baldwin to Natural Bridges State Marine Reserve.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

36° 57.88' N. lat. 122° 07.58' W. long.;

36° 56.90' N. lat. 122° 03.25' W. long.; and

36° 56.94' N. lat. 122° 03.25' W. long.

(B) Take of all living marine resources is prohibited.

~~(28)~~(29) Elkhorn Slough State Marine Reserve. This area is bounded by the mean high tide line and the 1.5-fathom depth contour within the Elkhorn Slough Ecological Reserve (National Estuarine Research Reserve). following points:

(A) This area includes the waters below mean high tide within Elkhorn Slough east of the Highway 1 Bridge and west of the Elkhorn Road Bridge.

(B) Take of all living marine resources is prohibited.

~~(A) A \$2.00 day use pass or a valid \$10.00 annual wildlife pass is required of all users of Elkhorn Slough Ecological Reserve except: users that possess a valid California sport fishing license, hunting license or trapping license; users that are under 16 years of age; or users that are part of an organized youth or school group and having free~~

permits issued by the appropriate regional office. Refer to subsections 550(b)(4) and (5), Title 14, CCR, for regulations for fee requirements for wildlife areas.

(30) Moro Cojo Estuary State Marine Reserve.

(A) This area includes the waters within Moro Cojo Slough below mean high tide and between the Highway 1 Bridge and the crossing of the Southern Pacific Railroad tracks.

(B) Take of all living marine resources is prohibited.

(31) Soquel Canyon State Marine Conservation Area.

(A) This area is bounded by straight lines connecting the following points in the order listed except where noted:

36° 51.00' N. lat. 121° 56.00' W. long.;

36° 50.93' N. lat. 122° 03.78' W. long.; thence along the three nautical mile offshore boundary to

36° 48.00' N. lat. 122° 02.91' W. long.; and

36° 48.02' N. lat. 121° 56.00' W. long.

(B) Take of all living marine resources is prohibited except the commercial and recreational take of salmon and albacore.

(32) Portuguese Ledge State Marine Reserve.

(A) This area is bounded by straight lines connecting the following points in the order listed except where noted:

36° 43.00' N. lat. 121° 56.00' W. long.;

36° 43.00' N. lat. 122° 01.42' W. long.; thence along the three nautical mile offshore boundary to

36° 41.00' N. lat. 122° 00.82' W. long.; and

36° 41.00' N. lat. 121° 56.00' W. long.

(B) Take of all living marine resources is prohibited.

(33) Edward C. Cooper State Marine Reserve.

(A) This area is bounded by the mean high tide line, the 10-fathom depth contour, and straight lines connecting the following points in the order listed:

36° 36.56' N. lat. 121° 53.72' W. long.;

36° 36.51' N. lat. 121° 53.38' W. long.;

36° 36.65' N. lat. 121° 53.38' W. long.;

36° 36.92' N. lat. 121° 53.66' W. long.; and

36° 36.83' N. lat. 121° 53.84' W. long.

(B) Take of all living marine resources is prohibited.

(34) Ed Ricketts State Marine Conservation Area.

(A) This area is bounded by the mean high tide line, the 10-fathom depth contour, and straight lines connecting the following points in the order listed:

36° 36.83' N. lat. 121° 53.84' W. long.;

36° 36.92' N. lat. 121° 53.66' W. long.;

36° 37.22' N. lat. 121° 53.85' W. long.; and

36° 37.10' N. lat. 121° 54.09' W. long.

(B) Take of all living marine resources is prohibited except the commercial take of giant kelp (*Macrocystis pyrifera*) and bull kelp (*Nereocystis spp.*) by hand is allowed between November 1 and March 1 in the area defined by subsection 165(c)(4)(D) under the following conditions:

(1) Any individual kelp harvester with a valid permit issued pursuant to Section 165 may take no more than 12 tons of kelp from the portion of Administrative Kelp Bed 220 within the Edward F. Ricketts State Marine Conservation Area in any calendar month.

(2) Duplicate landing records must be kept on board the harvest vessel in accordance with the requirements of Section 165.

(29)(35) Hopkins State Marine Reserve.

(A) This area is bounded by the mean high tide line, the 10-fathom depth contour, and straight lines connecting the following points in the order listed:

36° 37.25' N. lat. 121° 54.50' W. long.;

36° 37.63' N. lat. 121° 54.34' W. long.;

36° 37.22' N. lat. 121° 53.85' W. long.; and

36° 37.10' N. lat. 121° 54.09' W. long.

36° 37.10' N. lat. 121° 54.09' W. long.;

36° 37.33' N. lat. 121° 53.85' W. long.;

36° 37.28' N. lat. 121° 53.92' W. long.;

36° 37.44' N. lat. 121° 53.95' W. long.;

36° 37.44' N. lat. 121° 54.11' W. long.;

36° 37.71' N. lat. 121° 54.71' W. long.; and

36° 37.60' N. lat. 121° 54.91' W. long.

(B) Take of all living marine resources is prohibited.

(A) The director of the Hopkins State Marine Reserve, or any person to whom the director of the reserve has issued a permit, may take, for scientific purposes, any fish or specimen of marine plant life under the conditions prescribed by the department or the director of the reserve.

(30)(36) Pacific Grove State Marine Conservation Area.

(A) This area is bounded by the mean high tide line, the 10-fathom depth contour, and straight lines connecting the following points in the order listed:

36° 37.09' N. lat. 121° 56.49' W. long.;

36° 37.34' N. lat. 121° 57.34' W. long.;

36° 37.63' N. lat. 121° 54.34' W. long.; and

36° 37.25' N. lat. 121° 54.50' W. long.

36° 37.60' N. lat. 121° 54.91' W. long.;

36° 37.71' N. lat. 121° 54.71' W. long.;

36° 38.53' N. lat. 121° 55.89' W. long.; and

36° 38.23' N. lat. 121° 55.90' W. long.

(A)(B) Take of all living marine resources is prohibited except:

1. The recreational take of finfish is allowed in the area between the seaward extension of Esplanade Street and boundary of the Hopkins State Marine Reserve by hook and line or spear under the following conditions:

a. Take is prohibited by use of poke-pole gear.

b. Take is prohibited for any competition involving two or more persons in which persons are ranked, or winners are determined, based on size, weight, number of species, type of species, or number of fish taken by means of spearfishing.

2. The commercial take of giant kelp (*Macrocystis pyrifera*) and bull kelp (*Nereocystis spp.*) by hand is allowed. Not more than 44 tons of kelp may be taken from the portion of Administrative Kelp Bed 220 within the Pacific Grove State Marine Conservation Area in any calendar month.

1. Only the following species may be taken recreationally: finfish and invertebrates other than mollusks or crustaceans.

2. Only the following species may be taken commercially by ring net, lampara net, or bait net: sardines, mackerel, anchovies, and herring.

(37) Asilomar State Marine Reserve.

(A) This area is bounded by the mean high tide line, the 10-fathom depth contour, and the following points:

36° 38.23' N. lat. 121° 55.90' W. long.;

36° 38.53' N. lat. 121° 55.89' W. long.;

36° 37.33' N. lat. 121° 57.30' W. long.; and

36° 37.09' N. lat. 121° 56.49' W. long.

(B) Take of all living marine resources is prohibited.

(38) Carmel Pinnacles State Marine Reserve.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

36° 34.44' N. lat. 121° 58.41' W. long.;

36° 33.09' N. lat. 121° 58.40' W. long.;

36° 33.10' N. lat. 121° 57.30' W. long.;

36° 33.40' N. lat. 121° 57.30' W. long.;

36° 33.40' N. lat. 121° 56.90' W. long.;

36° 33.70' N. lat. 121° 56.90' W. long.; and

36° 33.70' N. lat. 121° 57.10' W. long.

(B) Take of all living marine resources is prohibited.

~~(31)(39) Carmel Bay State Marine Conservation Area. This MPA is comprised of two areas. The first is bounded by the mean high tide line, and a straight line connecting straight lines connecting the following points in the order listed:~~

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

36° 33.64' N. lat. 121° 57.07' W. long.; and

36° 31.40' N. lat. 121° 56.17' W. long.

~~The second consists of waters shallower than 15 fathoms within an area bounded by straight lines connecting straight lines connecting the following points in the order listed in the order listed:~~

~~36° 33.65' N. lat. 121° 58.40' W. long.;~~

~~36° 33.65' N. lat. 121° 57.60' W. long.;~~

~~36° 33.10' N. lat. 121° 57.60' W. long.;~~

~~36° 33.10' N. lat. 121° 58.40' W. long.; and~~

~~36° 33.65' N. lat. 121° 58.40' W. long.~~

36° 33.70' N. lat. 121° 57.10' W. long.;

36° 33.70' N. lat. 121° 56.90' W. long.;

36° 33.40' N. lat. 121° 56.90' W. long.;

36° 33.40' N. lat. 121° 56.40' W. long.;

36° 31.60' N. lat. 121° 56.40' W. long.; and

36° 31.60' N. lat. 121° 56.51' W. long.

(B) Take of all living marine resources is prohibited except:

1. The recreational take of finfish by hook-and-line or spear is allowed under the following conditions:

a. Take is prohibited by use of poke-pole gear.

b. Take is prohibited for any competition involving two or more persons in which persons are ranked, or winners are determined, based on size, weight, number of species, type of species, or number of fish taken by means of spearfishing.

2. The commercial take of giant kelp (*Macrocystis pyrifera*) and bull kelp (*Nereocystis spp.*) by hand is allowed.

~~(A) Take of all living marine resources is prohibited except the recreational take of finfish by hook and line or spear and the commercial take of kelp under the following conditions:~~

~~1. Within Stillwater Cove kelp may be removed at any time to allow the passage and mooring of boats between Pescadero Rocks and Arrowhead Point.~~

~~2. If, at any time, the director of the department finds that the harvesting of kelp will tend to destroy or impair any kelp bed or beds, or parts thereof, or tend to impair or destroy the supply of any food for fish or wildlife, the director shall serve on every person licensed to harvest kelp a 48-hour advance, written notice that the kelp bed, or part thereof, will be closed to the harvesting of kelp for a period not to exceed one year. After service of such a notice, the person upon whom notice is served may appeal to the commission for a hearing to reopen the kelp bed or part thereof.~~

~~3. Not more than five percent (5%) of the total weight of kelp harvested in any one day shall consist of bull kelp (*Nereocystis spp.*).~~

~~4. Any licensed person or company intending to harvest kelp within the conservation area shall give the department's marine region manager, or designee, at least 48 hours written or oral notice of the intention to harvest. At the option of the department, the licensed person or company shall allow an observer selected by the department to accompany the harvester during such harvest.~~

~~5. Not more than 50 percent (50%) of the kelp within Administrative Kelp Bed 219 shall be harvested in any four-month period.~~

~~(32)(40) Point Lobos State Marine Reserve.~~

~~(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:~~

~~36° 31.40' N. lat. 121° 56.17' W. long.;~~

~~36° 31.60' N. lat. 121° 56.27' W. long.;~~

~~36° 31.50' N. lat. 121° 57.63' W. long.;~~

~~36° 30.81' N. lat. 121° 57.99' W. long.;~~

~~36° 30.33' N. lat. 121° 56.69' W. long.; and~~

~~36° 30.33' N. lat. 121° 56.33' W. long.~~

~~36° 31.60' N. lat. 121° 55.51' W. long.;~~

~~36° 31.60' N. lat. 121° 58.00' W. long.;~~

~~36° 28.88' N. lat. 121° 58.01' W. long.; and~~

~~36° 28.88' N. lat. 121° 56.31' W. long.~~

~~(B) Take of all living marine resources is prohibited.~~

~~(A) Boats may be launched and retrieved only in designated areas and may be anchored within the reserve only during daylight hours.~~

~~(C) Within the portion of the Point Lobos State Marine Reserve which also falls within the boundary of the Point Lobos State Reserve (State Park Unit), restrictions on boating and diving activities exist. Contact the California Department of Parks and Recreation for current restrictions.~~

~~(41) Point Lobos State Marine Conservation Area.~~

~~(A) This area is bounded by straight lines connecting the following points in the order listed except where noted:~~

~~36° 32.00' N. lat. 121° 56.40' W. long.;~~

36° 32.00' N. lat. 122° 01.34' W. long.; thence southward along the three nautical mile offshore boundary to

36° 28.89' N. lat. 122° 00.62' W. long.;

36° 28.89' N. lat. 121° 58.01' W. long.;

36° 31.60' N. lat. 121° 58.00' W. long.; and

36° 31.60' N. lat. 121° 56.40' W. long.

(B) Take of all living marine resources is prohibited except the commercial and recreational take of salmon, albacore, and commercial take of spot prawn.

(42) Point Sur State Marine Reserve.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

36° 18.36' N. lat. 121° 54.14' W. long.;

36° 18.34' N. lat. 121° 57.85' W. long.; thence southward along the three nautical mile offshore boundary to

36° 15.00' N. lat. 121° 55.10' W. long.; and

36° 14.98' N. lat. 121° 50.27' W. long.

(B) Take of all living marine resources is prohibited.

(33) Julia Pfeiffer Burns State Marine Conservation Area. This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

36° 10.50' N. lat. 121° 41.90' W. long.;

36° 09.60' N. lat. 121° 42.40' W. long.;

36° 08.30' N. lat. 121° 40.80' W. long.;

36° 09.20' N. lat. 121° 40.25' W. long.; and

36° 09.25' N. lat. 121° 40.05' W. long.

(A) Take of all living marine resources is prohibited except:

1. Only the following species may be taken recreationally: finfish, chiones, clams, cockles, rock scallops, native oysters, crabs, lobsters, ghost shrimp, sea urchins, mussels and marine worms except that no worms may be taken in any mussel bed unless taken incidentally to the take of mussels.

2. Only the following species may be taken commercially: finfish, crabs, ghost shrimp, jackknife clams, sea urchins, squid, kelp and worms except that no worms may be taken in any mussel bed, nor may any person pick up, remove, detach from the substrate any other organisms, or break up, move or destroy any rocks or other substrate or surfaces to which organisms are attached.

(43) Julia Pfeiffer Burns State Marine Reserve.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

36° 09.62' N. lat. 121° 40.47' W. long.;

36° 09.62' N. lat. 121° 46.09' W. long.; thence southward along the three nautical mile offshore boundary to

36° 06.26' N. lat. 121° 42.36' W. long.; and

36° 06.25' N. lat. 121° 37.51' W. long.

(B) Take of all living marine resources is prohibited.

(44) Big Creek State Marine Conservation Area.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

36° 06.25' N. lat. 121° 37.51' W. long.;

36° 06.26' N. lat. 121° 42.36' W. long.; thence southward along the three nautical mile offshore boundary to

36° 02.90' N. lat. 121° 39.84' W. long.;

36° 02.94' N. lat. 121° 36.53' W. long.;

36° 05.31' N. lat. 121° 38.24' W. long.; and

36° 05.31' N. lat. 121° 37.13' W. long.

(B) Take of all living marine resources is prohibited except, in waters deeper than 50 fathoms, the commercial and recreational take of salmon, albacore, and the commercial take of spot prawn.

(34)(45) Big Creek State Marine Reserve.

(A) This area is bounded by the mean high tide line, the 50-fathom depth contour, and straight lines connecting the following points in the order listed:

36° 05.31' N. lat. 121° 37.10' W. long.;

36° 05.31' N. lat. 121° 38.24' W. long.;

36° 03.65' N. lat. 121° 37.04' W. long.; and

36° 03.65' N. lat. 121° 35.50' W. long.

36° 05.31' N. lat. 121° 37.13' W. long.;

36° 05.31' N. lat. 121° 38.24' W. long.;

36° 02.94' N. lat. 121° 36.53' W. long.; and

36° 02.96' N. lat. 121° 35.49' W. long.

(B) Take of all living marine resources is prohibited.

(A) Swimming. No person shall swim, wade, dive, or use any diving equipment within the Big Creek State Marine Reserve except as authorized pursuant to scientific research approved by the department.

(B) Boating. Except as allowed pursuant to Federal law, no person shall launch or operate a boat or other floating device within the Big Creek State Marine Reserve except to pass through the area during the normal course of vessel transit along the coast, to avoid inclement weather, or pursuant to scientific research approved by the department.

(C) Firearms. No person shall possess, fire, or discharge any firearm, bow and arrow, air or gas gun, spear gun, or any other weapon of any kind within, or into the Big Creek State Marine Reserve except as authorized pursuant to scientific research approved by the department.

(D) Public Entry. Public entry into the Big Creek State Marine Reserve may be restricted at the discretion of the department to protect wildlife, aquatic life, or habitat. No person, except state and local law enforcement officers, fire suppression agencies and employees of the department in the performance of their official duties or persons possessing written permission from the department, or institution or agency entering into a memorandum of understanding (MOU) with the department, may enter an area which is closed to public entry.

(E) Pesticides, Herbicides, and Other Regulated Chemicals. The use of pesticides, herbicides, and other regulated chemicals is prohibited in the Big Creek State Marine Reserve except as authorized pursuant to scientific research approved by the department. Where such chemicals are intended to be used as a part of any research program, any necessary authorization and/or permits required to dispense such chemicals into state waters or tide and submerged lands shall be obtained prior to final approval of the research by the department.

~~(F) Litter. No person shall deposit, drop, or scatter any debris on the Big Creek State Marine Reserve. Any refuse resulting from a person's use of an area must be removed from that area by such person.~~

~~(G) Aircraft. No person shall operate any aircraft or hovercraft within the Big Creek State Marine Reserve, except as authorized pursuant to scientific research approved by the department.~~

~~(H) Pets. Pets, including but not limited to, dogs and cats, are prohibited from entering the Big Creek State Marine Reserve unless authorized by the department.~~

~~(I) Memorandum of Understanding (MOU). The department may enter into MOU's with colleges, universities, and other bonafide research organizations, to conduct marine-related research within the Big Creek State Marine Reserve.~~

~~(J) The Department shall only approve research within the Big Creek State Marine Reserve which is compatible with research underway within the reserve area prior to its establishment by the commission, such research compatibility to be determined by contacting the Reserve Manager for the Landels Hill Big Creek Reserve prior to authorizing research within the reserve.~~

(46) Piedras Blancas State Marine Reserve.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

35° 43.65' N. lat. 121° 19.08' W. long.;

35° 43.61' N. lat. 121° 22.93' W. long.; thence southward along the three nautical mile offshore boundary to

35° 39.16' N. lat. 121° 20.92' W. long.; and

35° 39.27' N. lat. 121° 14.67' W. long.

(B) Take of all living marine resources is prohibited.

(47) Cambria State Marine Conservation Area.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

35° 37.05' N. lat. 121° 09.05' W. long.;

35° 37.05' N. lat. 121° 11.35' W. long.;

35° 33.09' N. lat. 121° 08.08' W. long.; and

35° 33.10' N. lat. 121° 06.19' W. long.

(B) The commercial take of all living marine resources is prohibited. Recreational take is allowed.

(48) Ken Norris State Marine Reserve.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

35° 33.10' N. lat. 121° 06.19' W. long.;

35° 33.09' N. lat. 121° 08.08' W. long.;

35° 30.74' N. lat. 121° 06.14' W. long.; and

35° 30.74' N. lat. 121° 03.71' W. long.

(B) Take of all living marine resources is prohibited.

(49) Estero Bluff State Marine Reserve.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

35° 27.22' N. lat. 120° 57.38' W. long.;

35° 27.14' N. lat. 120° 57.42' W. long.;

35° 26.74' N. lat. 120° 56.19' W. long.; and

35° 26.82' N. lat. 120° 56.20' W. long.

(B) Take of all living marine resources is prohibited.

~~(35) Atascadero Beach State Marine Conservation Area. This area is bounded by the mean high tide line, the three nautical mile offshore boundary, and straight lines connecting the following points in the order listed:~~

~~35° 23.64' N. lat. 120° 51.98' W. long.;~~

~~35° 23.50' N. lat. 120° 55.98' W. long.;~~

~~35° 22.10' N. lat. 120° 56.07' W. long.; and~~

~~35° 22.19' N. lat. 120° 52.20' W. long.;~~

~~(A) Take of clams is prohibited. Take of other living marine resources is allowed.~~

~~(36) Morro Beach State Marine Conservation Area. This area is bounded by the mean high tide line, the three nautical mile offshore boundary, and straight lines connecting the following points in the order listed:~~

~~35° 18.79' N. lat. 120° 52.30' W. long.;~~

~~35° 19.96' N. lat. 120° 55.90' W. long.;~~

~~35° 18.40' N. lat. 120° 56.35' W. long.; and~~

~~35° 17.13' N. lat. 120° 53.06' W. long.~~

~~(A) Take of clams is prohibited. Commercial take of giant kelp and bull kelp is prohibited. Take of other living marine resources is allowed.~~

~~(37) Pismo State Marine Conservation Area. This area is bounded by the mean high tide line, a distance of 1000 feet offshore, and straight lines connecting the following points in the order listed:~~

~~35° 07.65' N. lat. 120° 38.28' W. long.;~~

~~35° 07.60' N. lat. 120° 38.51' W. long.;~~

~~35° 07.28' N. lat. 120° 38.39' W. long.; and~~

~~35° 07.33' N. lat. 120° 38.17' W. long.~~

~~(A) Take of all invertebrates and marine aquatic plants is prohibited except the commercial take of algae other than giant kelp and bull kelp.~~

~~(38) Pismo-Oceano Beach State Marine Conservation Area. This area is bounded by the mean high tide line, the three nautical mile offshore boundary, and straight lines connecting the following points in the order listed:~~

~~35° 01.81' N. lat. 120° 38.07' W. long.;~~

~~35° 02.50' N. lat. 120° 41.69' W. long.;~~

~~34° 59.35' N. lat. 120° 42.50' W. long.; and~~

~~34° 58.48' N. lat. 120° 38.88' W. long.~~

~~(A) Take of clams is prohibited. Commercial take of giant kelp and bull kelp is prohibited. Take of other living marine resources is allowed.~~

(50) Morro Bay State Marine Conservation Area.

(A) This area includes the area below mean high tide within Morro Bay east of the Morro Bay entrance breakwater, west of longitude 120° 50.34' W. and north of latitude 35° 19.70' N.

(B) Commercial take of all living marine resources is prohibited except permitted aquaculture of oysters and storing finfish taken outside the Morro Bay State Marine Conservation Area in a receiver for bait purposes. Recreational take is allowed.

(51) Morro Bay East State Marine Reserve.

(A) This area includes the area below mean high tide within Morro Bay east of longitude 120° 50.34' W.

(B) Take of all living marine resources is prohibited.

(52) Morro Bay State Marine Recreational Management Area.

(A) This area includes the area below mean high tide within Morro Bay south of latitude 35° 19.70' N.

(B) Take of all living marine resources is prohibited.

(C) Recreational hunting of waterfowl is allowed unless otherwise restricted by hunting regulations (Sections 502, 550, 551, and 552).

(53) Point Buchon State Marine Reserve.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

35° 16.71' N. lat. 120° 53.38' W. long.;

35° 16.71' N. lat. 120° 55.47' W. long.;

35° 15.25' N. lat. 120° 56.05' W. long.;

35° 12.50' N. lat. 120° 53.50' W. long.; and

35° 13.23' N. lat. 120° 52.25' W. long.

(B) Take of all living marine resources is prohibited.

(54) Point Buchon State Marine Conservation Area.

(A) This area is bounded by straight lines connecting the following points in the order listed except where noted:

35° 16.71' N. lat. 120° 55.47' W. long.;

35° 16.70' N. lat. 120° 57.41' W. long.; thence southward along the three nautical mile offshore boundary to

35° 11.36' N. lat. 120° 55.47' W. long.;

35° 12.50' N. lat. 120° 53.50' W. long.;

35° 15.25' N. lat. 120° 56.05' W. long.; and

35° 16.71' N. lat. 120° 55.47' W. long.

(B) Take of all living marine resources is prohibited except the commercial and recreational take of salmon and albacore.

(55) Purisima Point State Marine Reserve.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

34° 45.42' N. lat. 120° 38.22' W. long.;

34° 45.41' N. lat. 120° 42.22' W. long.; thence southward along the three nautical mile offshore boundary to

34° 41.44' N. lat. 120° 40.16' W. long.; and

34° 41.45' N. lat. 120° 36.25' W. long.

(B) Take of all living marine resources is prohibited except take incidental to base operations and commercial space launch operations identified by the Vandenberg Air Force Base Commander as mission critical in the portion of the Purisima Point State Marine Reserve adjacent to the Vandenberg Air Force Base.

(C) Public Entry. Public entry into the portion of the Purisima Point State Marine Reserve adjacent to the Vandenberg Air Force Base may be restricted at the discretion of the department to protect wildlife, aquatic life, or habitat or by the Commander of Vandenberg Air Force Base to protect and provide safety for base operations.

(D) The Department shall enter into a Memorandum of Understanding (MOU) with the Commander of Vandenberg Air Force Base for the mutually beneficial management and administration of the portion of the Purisima Point State Marine Reserve adjacent to the Vandenberg Air Force Base. The MOU shall include, but not be limited to, the identification of Vandenberg Air Force Base's national defense mission activities that

are unrestricted by the subject regulations and details on management and administrative roles and responsibilities.

~~(39) Vandenberg State Marine Reserve. This area is bounded by the mean high tide line, the 10-fathom depth contour, and straight lines connecting the following points in the order listed:~~

~~34° 36.27' N. lat. 120° 38.54' W. long.;~~

~~34° 35.82' N. lat. 120° 39.22' W. long.;~~

~~34° 33.03' N. lat. 120° 38.45' W. long.; and~~

~~34° 33.36' N. lat. 120° 37.60' W. long.~~

~~(A) Swimming. No person shall swim, wade, dive, or use any diving equipment within the Vandenberg State Marine Reserve except as authorized pursuant to scientific research approved by the department.~~

~~(B) Boating. Except as allowed pursuant to Federal law, no person shall launch or operate a boat or other floating device within the Vandenberg State Marine Reserve except to pass through the area during the normal course of vessel transit along the coast, to avoid inclement weather, or pursuant to scientific research approved by the department.~~

~~(C) Firearms. No person shall possess, fire, or discharge any firearm, bow and arrow, air or gas gun, spear gun, or any other weapon of any kind within, or into the Vandenberg State Marine Reserve except as authorized pursuant to scientific research approved by the department.~~

~~(D) Public Entry. Public entry into the Vandenberg State Marine Reserve may be restricted at the discretion of the department to protect wildlife, aquatic life, or habitat. No person, except state and local law enforcement officers, fire suppression agencies and employees of the department in the performance of their official duties or persons possessing written permission from the department, or institution or agency entering into a memorandum of understanding (MOU) with the department, may enter an area which is closed to public entry.~~

~~(E) Pesticides, Herbicides, and Other Regulated Chemicals. The use of pesticides, herbicides, and other regulated chemicals is prohibited in the Vandenberg State Marine Reserve except as authorized pursuant to scientific research approved by the department. Where such chemicals are intended to be used as a part of any research program, any necessary authorization and/or permits required to dispense such chemicals into state waters or tide and submerged lands shall be obtained prior to final approval of the research by the department.~~

~~(F) Litter. No person shall deposit, drop, or scatter any debris on the Vandenberg State Marine Reserve. Any refuse resulting from a person's use of an area must be removed from that area by such person.~~

~~(G) Aircraft. No person shall operate any aircraft or hovercraft within the Vandenberg State Marine Reserve, except as authorized pursuant to scientific research approved by the department.~~

~~(H) Pets. Pets, including but not limited to, dogs and cats, are prohibited from entering the Vandenberg State Marine Reserve unless authorized by the department.~~

~~(I) Memorandum of Understanding (MOU). The department may enter into MOU's with colleges, universities, and other bonafide research organizations, including Vandenberg Air Force Base (VAFB), to conduct marine-related research within the Vandenberg State Marine Reserve.~~

~~(J) The department shall enter into a Memorandum of Understanding (MOU) with the Commander of Vandenberg Air Force Base for the management and administration of the Vandenberg State Marine Reserve. The MOU shall include all uses necessary and compatible with the Vandenberg Air Force Base's national defense mission.~~

(56) Point Arguello State Marine Reserve.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

34° 36.23' N. lat. 120° 38.55' W. long.;

34° 36.22' N. lat. 120° 40.00' W. long.;

34° 32.50' N. lat. 120° 40.00' W. long.; and

34° 32.50' N. lat. 120° 33.23' W. long.

(B) Take of all living marine resources is prohibited.

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Subsequent subsections will be renumbered beginning with 57...